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Harvard College Library

FROM THE

BRIGHT LEGACY.

One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT

of Waltham, Massachusetts, is to be expended for books for the College Library. The other half of the income is devoted to scholarships in Harvard University for the benefit of descendants of

HENRY BRIGHT, JR.,

who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.

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MINUTES

OF THE

TESTIMONY

TAKEN BEFORE

JOHN Q. WILSON, JOSEPH EATON, & MORRIS WOODRUFF,

COMMITTEE

FROM THE

General Assembly,

TO INQUIRE INTO THE CONDITION OF

CONNECTICUT STATE PRISON.

TOGETHER WITH

THEIR REPORT

AND

REMARKS UPON THE SAME.

D. S. PORTER'S PRINT.
HARTFORD,
1834.

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Connecticut – General Assembly –
Committee to inquire &c

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ERRATA.

On Page 15th, 5th Line from the bottom, read *delirium* for dilirium.
" " 21st, 10th " " " " *posted* " footed.
" " 22d, 21st " " top " 4248 " 4297.
" " 39th, 4th " " bottom, " *I* before Spoke.
" " 69th, 20th " " top, " *meat* for meal.
" " 70th, 5th " " bottom, " *sustenance* " sustainance.
" " 103d, 22d " " top, " 29 " 20.

*** There are, in the "Report of the Committee," several expressions which appear to the Printer ungrammatical, but which he did not feel authorised to alter.

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At a large meeting of the inhabitants of the Town of Wethersfield, held for the purpose of considering the expediency of publishing the evidence taken before the Committee appointed by the Legislature to examinine the condition of Connecticut State Prison :

Resolved, "That measures should be immediately taken for the publication of the testimony given before said Committee together with the documents either admitted or rejected by them."

Resolved, "That a Committee of three persons be appointed to address each member of said Committee of Investigation, requesting the use of the minutes by him taken on said hearing, and to cause to be prepared as full and accurate an account of such testimony as shall be in their power from the materials which may be obtained, and that they Report to a future meeting to be by them notified."

At a subsequent meeting held in pursuance of such notice on the 13th January 1834, the Comittee Reported :—

"That the measure of printing the testimony originated at a full meeting of the inhabitants of the town of Wethersfield who believed that the Report of the Committee of Investigation did not in all respects do justice to many of our fellow citizens who had been sworn as witnesses, and that it did not present the testimony which was exhibited ; that its tendency was rather to mislead than enlighten ; that in order to insure the most scrupulous accuracy, they addressed separate letters to Messrs. Wilson, Eaton and Woodruff requesting the use of the minutes by them respectively taken, together with the various proofs and documents laid before them ; that answers have been received from each of these gentlemen declining to comply with this request ; that they have obtained the minutes of two of the Counsel who were employed against Amos Pilsbury, and one of the Counsel employed in his behalf ; that these minutes have been carefully collated, and it is believed that from them an accurate and impartial account of the testimony has been obtained ; that an effort was made to obtain copies of all the depositions and other documents which were either admitted or rejected ; that in many instances they have been obtained and are subjoined—in the other cases where they have been withheld, an abridgement of their purport and contents has been appended, made out in nearly every instance from the minutes of the Counsel of Mr. Pilsbury ; that in a great number of instances the testimony given on the part of the Sate, has been submitted to the respective witnesses, and by them been approved. It is therefore confidently believed, that in every essential particular, the following will be found to be a fair and accurate Report of the testimony presented before the Committee of the Legislature, in relation to the State Prison."

Wherefore it was

Resolved, That said Report be accepted, and that one thousand copies of the Report of the testimony now presented be published at the expense of this meeting.

ELISHA WOLCOTT, *Chairman*

INTRODUCTION.

It is perhaps proper to make a brief statement of facts, in order that many of the allusions and references in the following testimony may be fully understood.

The Legislature at its session in May 1824, appointed Messrs. John Russ, Martin Welles, and John S. Peters, a Committee "to inspect New Gate Prison ; the situation and condition of the prisoners ; their supplies clothing and lodging ; the management of of the overseers and keeper ; their accounts, &c. and to Report to the next Assembly with their opinion if any further measures are necessary." This Committee made a full Report to the Legislature, at its session in 1825, recommending the construction of solitary cells for the confinement of the convicts.

At the same session, this Committee were re-appointed, to inquire into the expediency of removing the Prison to some other place ; to ascertain the expense of location, building, &c. ; to recommend a system of government, discipline, and economy, for said Prison, and to report to the next session. This Committee immediately entered upon their duties under this second resolution ; examined a large number of sites for the location of the Prison ; sent one of their number, Mr. Welles, into the States of New Hampshire, Massachusetts, and Vermont to examine the respective Prisons of these States, and obtain the necessary information to be laid before the Legislature. They reported at great length, to the session of the Legislature in 1826, recommending the removal of the Prison, and submitting a system of government and discipline. At this session

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it was resolved, that a new Prison should be erected at Wethersfield, and the same persons, Messrs. Russ, Welles, and Peters, were appointed Commissioners to superintend its construction.

The Commissioners commenced the erection in July 1826, and during that season completed the principal buildings, cells &c.

At the May session in 1827, the Commissioners reported their progress in building, and that, in their opinion, the new Prison would probably be ready for the reception of prisoners in September, then next. At this session the Legislature passed the "Act establishing the Connecticut State Prison" and adopted as the basis of the statute, the system of government and discipline, recommended by this Committee, in their Report of 1826.

Messrs. Russ, Welles, and Peters, were appointed the first Directors of the new Institution.

Twenty prisoners were removed from New Gate to the new Prison, in June 1827, to asist in completing the establishment. In August, twenty more were removed, and the whole number that remained were removed in the following September.

On the first of October, 1827, the Connecticut State Prison commenced its operations; previous to which time, Mr. Moses C. Pilsbury had been appointed Warden. This person had formerly been Warden of the New Hampshire State Prison, but had left that situation, in June 1826. By the statute the Warden was authorized to appoint all the inferior officers. Mr. Pilsbury appointed his son Amos Pilsbury, as his Deputy Warden; which situation he had also held in the New Hampshire Prison, until December 1826; at which time, he was dismissed from that office for alledged misconduct, by Capt. Conner, who succeeded his father, as Warden.

By the statute of 1827, the Warden is required to cause the accounts to be accurately and systematically kept in the manner prescribed by the Directors. The first of April was established as the commencement of the financial year.

The rations of each prisoner, per day, as appears by the Report of the Directors in 1828, was prescribed to be, "one pound of beef—one pound of bread, and as many potatoes as they may require; being about five bushels, to one hundred rations; a porridge for supper, made of ground peas and cornmeal, regulated so that each shall be amply supplied."

By the Report of 1828, it appears that the Prison was extremely healthy, for the first six months; and had earned over and above its expenses, the sum of $1017,16. At the session 1828, a Committee of the Legislature, Reported favorably of the new Institution, and spoke in the highest terms, of the efforts of the individuals, under whose superintendance it had been erected, and organized.

The Directors in their Report of 1829, represented the Institution as in prosperous circumstances, and spoke favorably of the efforts of the officers. During the month of June, in that year, the Warden was absent from the Prison, and it was left in charge of Amos Pilsbury his son, (then Deputy Warden) for about four or five weeks. Before, and during this time, the complaints of hunger, appear to have been most frequent and earnest. In July and August of that year, a severe sickness prevailed in the Prison; of which, five persons, viz. Botsford, Fagan, Freeman, Ferdinand and McCarty died; and which afflicted with more or less severity, a large number of the prisoners. From the testimony of Dr. Woodward, the Physician to the Prison, and Professor Tully, now of New Haven, it would appear that this disease was brought on by "insufficiency of food or poverty of diet." In this opinion Dr. Todd of Hartford concurred. Dr. Woodward made a statement of the condition, and treatment of the sick, to the Directors, at their meeting of October, 1829. In consequence of this statement, the Directors passed a law, changing the mode of supplying and reporting the sick; and appointed Dr. Woodward to be the Physician of the Prison. Previously to this the sick had been supplied, from the family of the Warden, at a charge of one dollar a week; and the Physician had been sent for by the Warden, whenever he chose to request his attendance. By this regulation the sick were in future to be supplied from Hospital and Prison stores, and not from the family of the Warden as before, and those who complained of being sick, were to see the Physician, and he was to decide as to their sickness. The officers were required to conform to his directions, in relation to the sick. It appears, that both the elder and younger Pilsbury were displeased with this regulation, and with Judge Welles, by

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whom it was drawn; and with Dr. Woodward who had made the statement which produced it.

Mr. M. C. Pilsbury left the Prison, on account of ill health, and the infirmities of age in April 1830, and his son Amos was appointed Warden. Before leaving the Institution, Mr. M. C. Pilsbury, addressed to the Directors a letter in which he expresses his gratitude to the gentlemen composing the Board, for their kind treatment to him and his family. The Directors were not unanimous, in the choice of Mr. Amos Pilsbury for Warden. Mr. Welles voted for the Hon. Andrew Dennison, who had been highly recommended to the Directors, by Messrs. Elisha Phelps, Luther Loomis, Charles T. Hilyer and others. This was the first, and only instance, in which any measure had been taken on a divided vote, during the six years, the Directors had acted together. It seems that this appointment of Amos Pilsbury, was not made without some hesitation even by the other Directors. In the Report of 1830, the Directors speaking of the appointment say, "that having due regard to all the various circumstances, it was thought best to make the trial" of Mr. Pilsbury. They also say, that "there were other persons recommended for the office, one of whom (Mr. Dennison) as well on account of his high standing and experience, as of the character of the gentleman who recommended him, we might have been inclined to have appointed, had the application been more seasonably presented." From this language it would appear, that the Directors considered the appointment of Mr. Pilsbury an experiment or trial, and would on the whole have been rather inclined, to appoint Mr. Dennison had the application been made earlier. From the testimony it appears, that the Messrs. Pilsburys did not forgive Mr. Welles the vote which he gave Mr. Dennison.

After his appointment as Warden, Mr. Amos Pilsbury nominated to the Directors, Leonard R. Welles, his (Mr. P's.) brother in-law for Deputy Warden. This nomination the Directors unanimously rejected, and refused to appoint him.

The Report of 1830, is not commendatory of the officers; it expresses "the settled conviction of the Directors, that nothing but unceasing watchfulness, on the part of the State and its agents, will constitute an adequate security, either for the prisoners or the public." The Directors also say, "that they have no confidence in any system of regulations, unless there is somewhere a Board, who shall by frequent personal examination, see that they are observed;" and "that they have never seen that man, to whom a power so absolute over the persons and property of others, (as that of a Warden) ought to be entrusted without some restraint"—and that "when these checks are not interposed, the most flagrant abuses have been sometimes practised upon the prisoners, and the most bare faced frauds upon the public."

In speaking of the sickness of 1829, the Directors say, "that during the sickness they became satisfied, that the system of reporting and supplying the sick was defective, and immediately passed a bye-law, (the Hospital regulation) by which this system was wholly changed;" and also that "our experience under this regulation has convinced us, that it was required as well from considerations of *humanity* as of *good economy*."

The system of bye-laws which had been previously adopted, was reported to the Legislature, and was by that body printed with the Report of 1830. It was of this system of bye-laws, that Mr. Pilsbury is testified by the witnesses, to have said "that he should regard them as far as they suited him, and no farther, that they were of no use."

Dr. Peters resigned his situation as Director, at the session of 1830, and Samuel H. Huntington was appointed in his place. In pursuance of a resolution of the Assembly, 64 additional cells for males, and 32 for females, were erected during the summer and fall of 1830, together with the female department, cook room, &c. on the west end of the former building. It appears from the testimony, that Mr. Welles principally superintended the building of this addition. Mrs. Griswold was appointed matron, and took charge of the female department, in January, 1831, and superintended the cooking for the whole Prison, from the 2d of May, 1831, until she left the Prison in July, 1833; a few weeks after Mr. Pilsbury's reinstatement. Until May, 1831, the food for all the prisoners, had been prepared by male convicts in the Prison kitchen, which was erected in the yard.

The officers of the Prison boarded with the Warden, for each of whom he charged the State $2 per week. It appears from the testimony, that from the commencement of the Prison, up to June, 1831, both the Messrs. Pilsburys were in the habit of employing the convicts as domestics in their families, and that neither of them had ever hired any other

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family help, or had ever accounted to the State for their services. It also appears from the evidence of Dr. Peters, that "Mr. *W.* always objected to the employment of convicts in the family of the Warden, as illegal and improper, and that the other Directors neither approved or disapproved."

In 1831, Mr. *W.* sent in his resignation as Director, but the Legislature refused to accept it, and continued him in the office. Soon after the rising of the Assembly in June, 1831, an abusive attack was made upon Mr. *W.* in the Hartford Times, in relation to the Prison. This was followed up by a letter from Moses C. Pilsbury, dated "Derry, N. H. June 10, 1831," in which he insinuated that Mr. *W.* had been guilty of some misconduct, but professed to be restrained by motives of delicacy, from stating specifically what it was. He also alleged, that he did not intend to include Mr. *W.* in his letter of thanks to the Directors, dated March 12, 1830." This letter of June 10th, 1831, was addressed to Samuel H. Huntington, then a Director of the Prison with Mr. *W.* and by him delivered to Gideon Welles, the Editor of the Hartford Times, who published it in his paper. Immediately after the publication of this letter, Mr. *W.* knowing that the Hospital regulation drawn up by him, had been displeasing to Mr. Pilsbury, and the subject of complaint by him, called upon the several officers of the Prison, who were acquainted with the facts which occurred in 1829 during the sickness, to state them in writing. He called also upon Dr. Woodward, and his assistant Physicians for similar statements, for the purpose of self-defence. When these were furnished him, he found that they detailed abuses and instances of misconduct, of which he had not been before informed; particularly in relation to the inhuman treatment of the sick by Amos Pilsbury.

He immediately notified the other Directors of the facts, and at their meeting Oct. 18, 1831, read the certificates to them in the presence of Mr. Pilsbury, and expressed in writing his readiness to join them in an investigation of the truth of these statements. *No investigation was ever had by the Directors.*

As the severe weather of the winter approached, Mr. Welles suggested upon the Director's Book, (Dec. 2d, 1831,) that he thought the warmth of the hall and cells not sufficient for the health and comfort of the prisoners, and observed that there was no stove erected in the female department, for warming the cells. Mr. Huntington, the next week, (Dec. 7, 1831,) entered upon the Book, a caution against *overheating*. It will be recollected that this winter, (1831-32,) was one of the most severe which has ever been experienced in this climate. The Hall and night rooms were warmed, so far as they had warmth, by one small Lehigh stove, and by a stove called Fowler's air heater, which took the air from without the room, and introduced it heated into the apartment; both warming and ventilating it. This latter stove was removed, and so placed, that the supply of external air was cut off; thus stopping the process of ventilation. The air soon became sickening and corrupt; and the officers were obliged to raise the windows even during the night, to relieve themselves from its sickening effects.

During a part of the day also, the windows were kept open, in the coldest weather of the winter, to ventilate the apartment. The room to be warmed and ventilated, contained 59 windows and one outside door, which was almost constantly open. It surrounded a block of 200 cells, and contained 199,000 cubic feet. This was the lodging room of all the male prisoners. Mr. Welles again made upon the Director's Book an entry, to the effect, that he thought the apartments were too cold, and that measures ought at once to be taken for a supply of pure air, by so arranging the furnace, that the external air would be thrown in as formerly. This suggestion was answered by Mr. Huntington, (Dec. 31, 1831,) that he found the temperature to be suitable, and the air was sufficiently pure, and that the furnace did better not to take the air from outside. It seems that in the coldest of the weather, and while they were in the habit of raising the windows in the day time for ventilation, there were at one time 45 sick of the influenza, a part of whom were in their cells through the day, entirely exposed to the severity of the external air. No further effort was made by Mr. Welles for a change in the temperature or purity of the air; and the same course was pursued through the winter and spring. In May, 1832, when Dr. Woodward made his annual statement to the Directors, of the condition of the sick, he brought this subject to view. He expressed his opinion that the coldness of the apartments, and the impurity of the air from insufficient ventilation, had operated unfavorably upon the health of the prisoners; and that men confined in their cells with incipient disease, must have suffered from cold by the opening the windows. He stated that some of

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the prisoners had frozen feet, and that he had made entries to that effect upon the Hospital Record.

From the testimony of Messrs. Russ and Huntington, it appears that it was agreed that Mr. Russ should draw the Report of the Directors for 1832; and that it should be so drawn that it might be unanimous; and should not touch upon topics, upon which there existed a difference of opinion among the Directors. Notwithstanding this arrangement, the Report contained a clause impliedly censuring Dr. Woodward, on account of the facts and opinions given in his statement, respecting the suffering of the prisoners from cold. This clause expressed the surprise of the Directors, that these facts had not been made known to them before; and that until they saw this statement, it had not been intimated to them, that there was any such suffering from cold; and stated that the Directors had examined the officers of the Prison, and from them had learned, that the apartments had been kept sufficiently warm.

This Report was drawn up in the absence of Mr. Welles, who was attending at New Haven, as a member of the Legislature, and was not seen by him until the second week of the session. It was then presented to him by Mr. Huntington, and was already signed by himself and Mr. Russ. Mr. Welles expressed his readiness to sign it, upon the erasure of the clause in question; said he could not say that *he had no evidence* that the Hall was cold, when he had made two distinct entries upon the Director's Book, that "he thought the men suffered from cold;" *which entries were seen and answered by Mr. Huntington;* said that he could not say, that he had examined the officers of the Prison, touching the suffering of the men, *when it was well known* to Messrs. Russ and Huntington, that he had been present at no such examination.

Dr. Woodward who was also at New Haven as a member of the Senate, expressed his readiness to erase from his Report, the entire remarks respecting the cold and frozen feet; or to destroy the Report altogether; said that he had made the statement at the request of Mr. Russ, for the Directors, and not for the public. Mr. Welles declined signing the Report of the Directors, unless this clause of censure to which he objected, was erased. Mr. Huntington refused to erase it. It was then taken back to Hartford, and another clause was added, commending the fidelity and humanity of Mr. Pilsbury. It was, the next week, (the 3d of the Session) again presented to Mr. Welles for his signature, having been previously signed by Messrs. Russ and Huntington.

Mr. Welles urged Mr. H. to erase those clauses; said that he wished to have no controversy; that one of these clauses expressed an opinion favorable to Mr. P. which the Directors well knew he did not entertain, and of course would not subscribe; that he could not violate the truth so far, as to join them in contradicting and censuring the Physician; that these clauses were wholly unnecessary, inasmuch as they stated no *fact*, but a mere *opinion*; and claimed, that it was a violation of the understanding, that the Report should be so drawn, that all could sign it. He further remarked, that if the Report should be presented as it was, he should be compelled to withhold his signature, and give his reasons for so doing to the Legislature. Mr. Huntington in the absence of Mr. Russ, who was detained at home by illness, refused to make the alteration, and Mr. Welles, accordingly, submitted a counter Report, containing the reasons for his dissent; together with the information he had received, by which he had been led to doubt the propriety of any commendation of Mr. Pilsbury, until the truth or falsity of these statements had been determined.

The Report of a majority of the Directors was presented on the 17th day of May.—The petition of Amos Pilsbury for an investigation of his conduct, was presented the same day, and at the same time. The counter Report of Mr. Welles was dated and presented on the 22d day of May; five days after Mr. Pilsbury presented his petition.

During the preceding week the Committee of the Legislature on the State Prison, had been engaged in hearing the petition of Benjamin Grannis & Son, praying for relief from the losses sustained as contractors at the Prison for the shoe makers. During this hearing almost every fact stated by Mr. Welles, in his counter Report, had been sworn to before the Committee by respectable witnesses. It appears from the Deposition of the Hon. Roger Huntington, Chairman of that Committee, that the Committee "were satisfied from this testimony that something was wrong in the conduct of the Warden, but did not deem it necessary to take order upon it, as it was not the subject committed to them."

At this session, (1832,) of the Assembly, Messrs. Andrew Dennison, Henry Kilbourn,

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and Samuel Galpin were appointed Directors, and a Resolution, (which is in the handwriting of the Counsel of Amos Pilsbury, who was not a member,) was passed, appointing Messrs. John Q. Wilson, Joseph Eaton and Morris Woodruff, a Committee of investigation, and the several Reports and accompanying documents were referred to them. The Committee did not meet until the 11th of Sept. (1832,) and then adjourned to the 2d Tuesday of Oct. to the State House at Hartford.

Amos Pilsbury was removed from the office of Warden, by the Directors, on the 4th of Sept. 1832, for misconduct which fell under their own observation, and for reasons occuring wholly or in part after their appointment as Directors. Mr. Gordon H. Montague was appointed by them as the successor of Mr. Pilsbury and took charge of the Prison on the 5th of Sept.

At the Session of the Legislature, held at Hartford, May, 1833, Messrs. Wilson, Eaton and Woodruff, made their Report, (which is annexed,) and Messrs. Joseph Pratt, William W. Boardman, and Sam. H. Huntington were appointed Directors of the Prison. Soon after their appointment, and on the day that the Assembly adjourned, they went to the Prison, removed Mr. Montague, and reinstated Mr. Pilsbury. This occurred on the 6th June, 1833.

When the change was made known within the Prison, the prisoners, in great numbers, manifested their opposition to Mr. P.; declared they would never again submit to his oppression, and threatened him with violence.

When the hour for locking up arrived, they refused to leave their shops, or to be marched in, and manifested their determination to spend the night in the yard. In this state of things, the Directors applied to Mr. Montague, to secure the men in their cells, although they had given him his written discharge. This he consented to do, and immediately called the prisoners to leave their shops, and form upon the line. They expressed their readiness to submit to Mr. Montague, although they knew he had no authority over them; but expressed their determination not to submit again to Mr. Pilsbury. Mr. Montague marched them to their cells, and they were secured. Mr. Pilsbury as he passed the cells, was assailed with every epithet of abuse and reproach. This disturbance continued through the night, and for several successive nights. During all this time, their shouts and imprecations were heard at a distance from the Prison. A great number of individuals from Hartford, and elsewhere, witnessed this manifestation of the hatred and abhorrence, with which the prisoners regarded Mr. Pilsbury. A Deputy Warden, (Mr. Purdy, the author of the *bread* pills) was also appointed in the place of Mr. North, and the Physician of the Prison was removed, and another person appointed. Mr. Barrett was appointed Chaplain. At the same session, the whole expense of the investigation was ascertained to be $2,588,25. The whole of this expense was directed by the Assembly to be paid from the Treasury, including in the same, the compensation of Mr. P.'s counsel, amounting to $380 dollars, and also $400 to himself for lost time.

Items as follows.

John Q. Wilson,		$287,58	
Joseph Eaton,		218,54	
Morris Woodruff,		220,00	$726,12
Nathan Smith, Agent and Attorney of the State,		$232,00	
Witnesses' fees on the part of the State,		245,70	477,70
Witnesses' on the part of A. Pilsbury,		286,14	
Expenses allowed by the Assembly to Mr. Pilsbury, consisting of the following items, viz.			
Cash expended exclusive of witnesses' fees,	$242,25		
Paid Counsel, viz. Roger M. Sherman	230,00		
William Hungerford,	150,00		
Eight months loss of time,	400,00	1,022,25	1,308,39
Sheriff Headley,		69,04	
James Goodwin,		7,	76,04
			$2,588,25

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From this statement it appears that the Committee received,	$728,12
Expenses on the part of the State,	477,70
Expenses on part of Mr. Pilsbury,	1308,39
Incidental.	76,04

The Committee were in Session, on the hearing, 21 days, and made their last adjournment on the 17th Nov. 1832. Mr. Pilsbury was discharged as Warden, on the 4th Sept. but received pay as Warden for about two weeks while engaged in settling up his books; so that it was but two months from the time he ceased to receive pay as Warden, before the Committee had closed the investigation. It is therefore somewhat difficult to discover what were the eight months lost time. It will be recollected Mr. P. petitioned for this investigation, five days before the date of the counter Report.

The proceedings of the meeting by whom this Report is published, their reasons for its publication, and the materials from which it has been prepared, appear on a former page. An effort has been made to give the language used by the witnesses, and to condense as far as possible, consistently with giving a fair account. It is believed that no material fact has been omitted, and that no just occasion will be found for the charge of unfairness and partiality. The testimony given by the witnesses for the State has in numerous instances been submitted to them, and when it has been found to be imperfect, has been corrected; for the testimony on the part of Mr. Pilsbury, reliance has been had *principally*, though not entirely, on the minutes of his own counsel. It has already been stated that each member of the Committee has been addressed, for the use of his minutes. These have been withheld, for reasons which may perhaps readily occur, but need not be suggested.

It ought to be mentioned as a reason for the delay of this publication, that it was supposed this testimony was to be published, by other persons. Mr. Benjamin L. Rayner, late Editor of the Jeffersonian, and Mr. Melzar Gardner, the Editor of the Litchfield Democrat, took notes, and it is understood that several pages of their Report were in type, nearly one year since. For some reason its publication has been suspended.

The following description of the buildings is given, to enable the reader more fully to understand the testimony.

The buildings of the Prison form very nearly a quadrangle, on the south side of which stands the building which is more properly *the Prison*.

The apartments of the Warden are situated in the east end of this building; the centre surrounds the block of cells, 4 stories high, in which the male prisoners are locked up; and the west end is used as the female department, (superadded in 1830,) containing cells, rooms for labor, kitchen, and apartments of the matron. The East, North, and West sides of this quadrangle, are formed by a wall 20 feet high. Within this yard are situated two ranges of shops; one upon the East side, and one upon the West, in which the convicts perform their daily labor. There are also in it *now*, two wells for the use of the convicts, spoken of in the following testimony, as the *new* and *old* well. There is also a well in the apartments of the Warden. The passage into the Prison, is through the Warden's apartment into the guard room, thence into the Hall surrounding the block of cells, thence into the yard. This is the only passage, except through a large gate on the north side of the yard.

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EXTRACT FROM DIRECTOR'S REPORT FOR 1832.

The following extracts from the Directors Report of 1832, present the parts which were objected to by Mr. Welles. On these being erased he consented to sign the Report—

"The Report of the attending Physician will furnish a particular statement of the health and management of those under his care.

"As to the statement in this Report, that 'Four of the prisoners have had their feet more or less frozen, one severely;' it becomes our duty to remark, that until we read that statement, we were wholly ignorant that any such suffering had existed among the convicts. We have visited the Prison as often as, and indeed oftener than is required by the Statute regulating our duties as Directors; we have always inquired into the complaints of those we found in the hospital. One man in the hospital informed us, that some years ago, and before he came to the Prison, he froze his feet, and that since that time, when severe cold weather came on, his feet had troubled him; with that exception, we have never heard a complaint of frozen limbs from any of the prisoners, nor had we learnt that such was the condition of any one, either from the convicts themselves, or from the attending Physician, until we read it in his Report; nor had we reason to suspect that such might be their condition from the temperature of the atmosphere in any of the apartments occupied by the prisoners.

"We have enquired of the Warden, the Deputy Warden, the Chaplain, and the persons employed as overseers and watchmen in the Prison, and they all state they have never known the atmosphere, either in the work shop, or hall surrounding the cells, so cold as to render them so uncomfortable to the occupants, as that the most remote danger of injury by frost could in their estimation be apprehended.

"We also remark that greater efforts have been made, and greater expense incurred in endeavoring to warm the apartments of the Prison during the winter past, than in any former year; and the clothing of the prisoners has been equally warm. Under these circumstances, we learned with surprise that any of the convicts had suffered as stated by the Physician—and were no less surprised that the fact was not communicated to the Directors at an earlier day.

"Before closing this Report, the undersigned deem it a duty they owe the public, as well as an act of justice to the Warden, to express our opinion with regard to the general management of the Prison concerns for the last year. We have endeavored throughout the year to keep a vigilant oversight on the conduct of those who have had charge of the government and discipline of the Prison; and we are happy in being able to state, that nothing has fallen under our observation to impair our confidence in their fidelity to the State, or in their judicious and reasonable government of the convicts—while the public interest has been faithfully consulted, as is clearly indicated by the pecuniary results of the year, we are persuaded that the feelings of humanity have not been disregarded, in the discipline and general treatment of the prisoners.

"All which is respectfully submitted."

"JOHN RUSS,
"S. H. HUNTINGTON, } Directors."

Extract from the Report of Dr. Woodward to the Directors, 1832—being the clause alluded to in the foregoing Report.

Warmth and Ventilation.—"During the past severe and inclement winter, there has been more suffering than usual from cold—coldness of the feet has been a general complaint.

"Three or four of the prisoners have had their feet more or less frozen, one severely,—which confined him from his labor a considerable time, as will appear by the Hospital records. It seems desirable that some mode should be devised, by which the prisoners can warm their feet, in extremely cold weather.

"For the general purpose of warming the Hall and night rooms, no mode can probably

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be devised, equal to that of throwing into them a column of external air, heated by furnaces —this air will be pure, as well as warm; and while it tends to the comfort of the prisoners, conduces also to their health. By this means also, the important object of ventilation is effected; an object too much neglected in all crowded establishments, and especially in Prisons.

"Air should never be breathed but once, and if there is not a constant foreign supply of it, in a room containing 170 persons, the air will soon be contaminated, and rendered unfit for breathing. The mode pursued the past winter, of opening the windows in the coldest weather to ventilate the Hall, while two stoves were kept burning to warm it; is repugnant both to correct philosophy and good economy; while it could not fail to be prejudicial to all who were confined in the cells in the day time by indisposition.

"There is a class of patients slightly indisposed, but yet not well enough to do their daily task, who are confined all day to the cells—not having access to a fire, or limits sufficiently extensive to admit of exercise to keep them warm; who are also exposed to the current of cold air admitted by the mode of ventilation above alluded to, whose situation it may readily be perceived, must be peculiarly unpleasant, and but little calculated to remove the incipient symptoms of disease, or to afford that comfort to the invalid, when too much indisposed to labor, which the principles of humanity would dictate. If the hospital were enlarged, they might be accommodated in it in the day time, and lodge in the cells at night. At present the hospital is too small to accommodate them."

PETITION OF AMOS PILSBURY.

"To the Honorable General Assembly of the State of Connecticut, now in session.

"The Petition of Amos Pilsbury, Warden of the Connecticut State Prison, respectfully represents—that sundry reports reflecting on the official conduct of the petitioner, in the management of said Prison, have been, and are still in circulation; and such as are calculated to injure not only his own, but also the reputation and interests of said institution.

"Wherefore, your petitioner prays, that an enquiry may be had by a committee of your honorable body, into the official conduct of your petitioner, as Warden of said Prison, and into the management of said Prison, since the same has been placed under his charge; and inasmuch as a full investigation of the subject, cannot in his opinion be had, without a visit to said prison, by said committee; he prays that said committee be authorized by your honorable body, to visit the same for that purpose, accordingly; and also to call for persons and papers.

"Your petitioner would also state, that a Report from the majority of the Directors of the State Prison, having been presented to your honorable body, which must involve the enquiries sought in this memorial, your petitioner further prays, that said report be referred to the same Committee above requested."

A. PILSBURY,

New Haven, May 17th, 1832.

COUNTER REPORT.

"*To the Hon. General Assembly Now in Session at New Haven.*"

"It is with deep regret that the undersigned feels himself obliged to dissent from some of the opinions expressed in the Report already presented by a majority of the Directors

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of the Conn. State Prison. While he concurs most cheerfully in many of the statements in the Report, and has contributed, as he trusts, through a series of years, his best efforts to produce the favorable results which are therein set forth, he feels it to be due to himself and to the Legislature to present the reasons which have induced him to withhold his signature from that document.

"In the first place he does not concur in the remarks upon the Report of the Physician, but considers them uncalled for and gratuitous. This Report of the Physician has been made out at the request of the Directors, and for their information, and if they are satisfied on examination that it is in any respect incorrect, there is no law, either of the State or of the Prison, which requires them to publish it, or even to present it. But in my opinion the statements there made are entitled to every credit, and are such as I should have expected from my own observation as to the condition of the prisoners. The great hall or night rooms have not, in my opinion, been sufficiently warmed or ventilated during the past severe winter. I have in repeated instances expressed this opinion, and have made entries in the record of the Prison, urging the importance of a higher temperature both to the health and comfort of the men. During the month of December great complaints were made by the prisoners of severe suffering from cold, and I used every effort in my power to produce a change for their benefit. In this I was unsuccessful, and even found that a caution had been entered against the danger of "*overheating*" these extensive apartments, while the thermometer in the open air stood at *zero*. To these entries I beg leave to refer.

"It ought to be stated that the Hall, in which the 200 cells or night rooms are situated, is 154 feet long, 43 feet wide, and 30 feet high, containing about 199,000 cubic feet. In each of these cells is a flue, through which a current of air is constantly passing off through the roof. There are 59 windows and one outside door in this apartment, and the only means of warming have been a common Lehigh stove, and one of Fowler's stoves such as are frequently found in private houses. By means of this latter stove, this room, in which all the male prisoners pass the night and take their food, has been formerly ventilated by the introduction of heated air from without.

"During the past winter, for some reasons unknown to me, and against my most earnest remonstrances, which were entered upon the Record, this supply of external air has been cut off, and the whole object of ventilation defeated. The consequences were immediately apparent. The air in the Hall and night rooms became so offensive that it was neccssary to open the windows to admit fresh air enough to dissipate the disgusting prison smell which prevailed. It needs no argument to prove that men confined in their cells with incipient disease, must, under these circumstances, have suffered.

"The prisoners are, in many instances, feeble and emaciated men; their clothing in summer and winter is nearly the same, and made of coarse sattinett. They are kept in warm shops during the day, and, without any additional garment, they are taken from these shops to their cells, to take their food and rest. I shall never be made to doubt that the men have suffered by the great difference in the temperature of their apartments. The Bye-Laws of the Prison require that the Physician keep a hospital record open to the inspection of the Warden and Directors. In this record he is to enter the names of the sick and complaining, the nature of their complaints, their treatment and termination, and is required to subjoin such remarks respecting the health, diet, employment or condition of the prisoners, or the cleanliness of the Prison as he may deem expedient. In this book, I am informed by the Physician, he has made his entries, so far as he could do so without involving himself in a controversy with the Warden and Deputy, and that this book will shew that the prisoners alluded to in his Report were, in his opinion, suffering with frozen limbs at the time when these entries were made. These entries were sufficient notice to the Warden and Directors of the nature of the complaints, and comprised all which the Physician was bound to do; and it has appeared singular, that with these entries before them, a majority of the Directors should have chosen to cast any imputation upon the Physician, or even to express their surprise that the condition of the men was not made known to them at an earlier day.

"There are other parts of the Report which will require from me a more extended notice.

"The closing paragraph expresses or implies a confidence in the fidelity and humane feelings of the Warden, and an approbation of his management and treatment of the pris-

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oners. It further asserts that "nothing has fallen under the observation of the Directors which has impaired their confidence in his fidelity to the State—and that while the public interest has been faithfully consulted, the feelings of humanity have not been disregarded." This whole clause has been added since the Report was first signed by the other Directors and presented to me, and also since it was taken back for the alleged purpose of expunging the objectionable passages. Whatever may have been the motive for adding this clause, its effect is to compel me either to subscribe to an opinion which it was well known to the Directors I do not entertain, or to refuse my signature, and assign the reasons of that refusal to the Legislature. As these alternatives have been forced upon me, I cannot hesitate as to the course which it is my duty to adopt.

"I cannot, without disregarding my most sincere and honest convictions, declare that I have confidence either in the fidelity of Mr. Pilsbury to the State, or in his disposition to treat the prisoners with kindness and humanity. Nor can I with truth say that nothing has come to my knowledge which would impair that confidence even if entertained. At the time of the first appointment of Mr. Pilsbury as Warden, I did not deem it my duty to vote for him. A few days before this appointment was made, I had been informed that he had been turned out from the office of Deputy Warden of the New Hampshire Prison for alleged misconduct, and under circumstances calculated deeply to affect his character, and I have since received the most satisfactory evidence of the truth of that statement. The information which I have received, touching his conduct at the Conn. State Prison, I propose to exhibit so far as it may be thought necessary to furnish my apology for not signing this Report—beyond this I do not propose to go. I intend not to take upon myself the character of a prosecutor of Mr. Pilsbury; nor the burthen of making or proving charges. I shall merely report the evidence on which I have acted, leaving the Legislature to judge of its effect.

"In the first place, I have received information which I credit, that Mr. Pilsbury has, in numerous instances, taken the public property, for the use of his family, which has consisted of eighteen persons. Two respectable witnesses, who are officers of the Prison, have made this statement, and have sworn to it the past week before a committee of this Assembly. The property thus taken has been principally fuel and the provisions purchased for the prisoners. He has also appropriated to his own use the labor and services of the convicts, without accounting for the same, and contrary to the regulations of the Prison.

"I am also fully satisfied that the full rations established by the Directors have not always, until the cooking was performed by the Matron, been received by the prisoners. On examining the Report of the last year, I find the whole expense of the provisions consumed was $3190 60. Admitting what will scarcely be believed, that all the provisions purchased were faithfully served to the prisoners, this sum divided would bring the cost of a daily ration at less than five cents (4 9-10.) These rations at that time consisted of a

pound of beef, costing, at least, with the salt necessary for it,	3 cents,
Potatoes, 1-20th of a bushel,	1 1-4
Bread, 1 pound,	1
Supper of pea porridge,	3-4
	6 cents.

Here then is a deficiency of more than one fifth, supposing the Warden had taken nothing for his own family. How much he has taken for his own use, we have no means of ascertaining. But this is not the only evidence that the men have suffered from hunger, and have not received their rations. The prisoners were constant in their complaints of hunger, said that if they could have more food they could do double labor—and men have been seen to take the entrails of cattle slaughtered in the yard, and after cooking them in the lime which was slacking, have devoured them with great avidity. They have also been seen struggling with each other to get at the barrel where the wash of the cook room was placed, in order to get at such morsels of food as might be found there. These statements have been made by respectable witnesses, and were repeated under oath before the same Committee during the past week. During all this period of suffering, the regulations of the Prison were disregarded, respecting the rations. These regulations require that the Warden should designate some person, whose duty it should be to weigh the rations according to the Bye-Laws, and enter the amount in a book daily, which was to be

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laid before the Directors, under the oath of the person who made the entries—and yet it was never, until February 1831, that this regulation was obeyed.

"Another complaint on the part of the prisoners has been, that there are so many family connections employed in and about the Prison, that they have no relief against subordinate tyranny and abuse. In relation to this matter the facts are these—the overseer of the shoe-shop is the father-in-law of the overseer of the carpenter's shop, and that overseer is the brother of the Warden. The Warden has nominated as Deputy Warden the brother-in-law of the contractor for the chair seats, and that contractor has appointed the brother-in-law of the Warden as his agent to receive and sell those seats. I do not mean to say whether these complaints are well or ill-founded; they have been loud and frequent, and no investigation has, to my knowledge, been had, and I will not say to the Legislature, or to the public that all is right about this Prison while these complaints are unexamined and unredressed. But I do say that in my judgment the safety of the prisoners and the security of the public are greatly diminished by this family combination. The prisoners are not legal witnesses, and the Warden is surrounded by men of his selection, who know that their situations may be hazarded or lost by a disclosure of facts. If, in addition to all these circumstances, so well calculated to shield a despotic or dishonest Warden, he may place about him his family connections, almost every salutary check against abuse is removed.

"From the annexed extracts from the statements of Messrs. Morrison and Obear, *it is* apparent there has been great suffering on account of bad water—and that every effort which was made to relieve the prisoners from the most distressing thirst, was resisted and opposed by the Warden—and that although pure and excellent water was in abundance within a few feet of the Prison walls, he refused to allow them to taste it, but confined them for many weeks to water from a well into which a drain from the cellar probably discharged, and which was of the most disgusting and filthy kind. As to the truth of the statements in relation to the quality of the water, I can myself vouch. It was not until the prisoners had complained of this water for many weeks, and had become almost frantic with their sufferings that I became acquainted with its condition, and then merely by accident. I saw a prisoner drinking offensive and corrupt rain water from a beef barrel which stood in the yard and enquired of him why he drank such water. His answer was that he could not drink the water from the well. I again inquired why he had not mentioned it to the Warden or Directors. He answered that the Prisoners had repeatedly begged of Mr. Pilsbury, to give them better water—but had been threatened with punishment, if they applied to a Director. I then examined the water, and found it to be extremely offensive to the taste and smell, I should have said that no person could have drank it. I immediately called upon the Warden for the reason of his giving such water to the Prisoners, while there was another well by the door of the House which furnishes excellent water. He seemed disturbed by the inquiry, said the water was as good as it had been for some time, and that he supposed it had been affected by the drain from the cellar which had been undermined by the rats. I have no doubt that this opinion was well founded, for no natural cause could have produced such water. It was proposed that another well should be immediately dug, and in less than forty eight hours a new well was completed, the water from which has been uniformly excellent. It is impossible for me to tell how much suffering from thirst a man would endure, before he would drink this nauseous and offensive liquid—but a more wanton and unnecessary privation never was imposed upon a prisoner. Almost every fact which has been above stated in relation to the water, has been testified to under oath during the last week before a committee.

"I have also understood from the most respectable witnesses that the treatment of the sick and the dying has in many instances been most cruel and unfeeling, and that embarrassments have been thrown in the way of executing the humane provisions of the bye-laws, relating to the Hospital and Physician. That in one instance, when a convict was laboring under a disease of the heart and had been placed on a course of active and powerful medicine—the medicine was clandestinely withdrawn by an officer and bread pills substituted. It has also been represented to me, that the bed and bedding of a prisoner were taken from him during the most severe and inclement part of the last winter, and he was left for several nights to sleep upon the stone floor of his cell. The only pretext for this treatment, was, that the man had not performed his task although he had for several days complained of inability to do so, on account of sickness. It is perhaps needless

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to remark that the prisoner became so ill by this treatment, that he remained under the care of the Physician for several days. Every convict is entitled to his bed and bedding, and there is in the Bye-Laws no authority given to an officer to take them from him, unless he injures or destroys them.

"But the gross and abusive treatment which the *severely* sick, have in many instances experienced, almost to the hour of death, has most astonished me.

"In relation to this matter the accompanying statements of the attending Physician, Dr. S. B. Woodward now a member of the Senate, and of his assistants Doctors Belden, Salter and Talcott, will furnish all the information in my possession, and will, I trust, justify me in withholding my signature from any Report, which commends the humanity of Mr. Pilsbury.

"Some of these statements have been read to the other Directors and to Mr. Pilsbury, and I have never understood that any investigation touching this subject has been had by the Directors, or requested by the Warden.

"At the time of reading these documents, I expressed in writing my readiness to act with the Directors, in any investigation which should be had, but declined to appear before them as a prosecutor. I also informed them, that the individuals who had given these certificates, were ready to appear before them, and testify under oath, and yet I have never understood that they have been called upon.

"These statements will as I think, authorize me to assume the following facts. That Mr. Amos Pilsbury during his whole term of service at the Prison, both as Deputy Warden, and Warden, has in repeated instances, treated the sick in a harsh, cruel and abusive manner—that his conduct has been tyrannical to such a degree, that the prisoners have not dared to complain of sickness until reduced to the last extremity—that one prisoner by the name of Botsford, who had for several weeks been severely sick of dropsy, and who had begged to see the Physician, had been kept to his labor, and charged to the contractor until four days before his death, and that in this condition, he had no food but his rations, which was entirely improper for him, and which he could not eat. Another prisoner by the name of Fagan, who had been a long time complaining of the same disease, and who had even fainted at his work, was not allowed to see the Physician, until he became delirious. Two other prisoners, McCarty, and Ferdinand, who were laboring under unequivocal symptoms of pulmonary consumption, were subjected to great privations and abuse—they were represented as feigning disease—as deceiving the Physician, and when the Physician ordered the proper nourishments for men in their condition, his directions were disobeyed, and nothing was provided, and Mr. Pilsbury represented that McCarty was shut up by the Doctor fatting. In the language of the Physician "for days they hardly took a morsel of food, and very rarely had it in such quantities or of such quality as they needed. I am quite confident, that both these men suffered more from hunger alone, or ill treatment alone, than from all the pains of a fatal disease." He further says, that for this neglect and abuse, the present Warden was principally responsible.

"Another of these Physicians expresses the opinion, that many who died, were even hastened to their deaths by negligence and severity, and that they might been spared their untimely fate, had proper attention been paid them, and they had received early medication. He further says, that in executing the Hospital regulations, every embarrassment was thrown in their way by the present Warden, and that he appeared to manifest toward all a moroseness and severity which was extremely offensive.

"Another of these statements has the following remark. "From all these sources I formed the decided opinion, that the sick prisoner was not provided with what was necessary for his personal comfort—that his complaints were too often treated with neglect or severity—above all, that he never received from the officers of the Prison that kindness and sympathy which the condition of one sick, and in Prison, so imperiously demands." Another of the Physicians remarks of Ferdinand and McCarty—"that they had for a long time suffered from the disease of the lungs—and when their haggard countenances, and emaciated bodies told too truly the ravages disease was making, and called loudly for the sympathising tenderness of others, they were in that condition, not unfrequently ordered to the workshops." But I forbear to make further extracts, the statements are before the Legislature, and if not disproved—present throughout instances of suffering from hunger, thirst, sickness, abuse and neglect, which I believe have had few parallels in this country, and I trust none in this State. I now appeal to every member of the Legislature, and

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ask, if with these documents before me uncontradicted, unexplained and unexamined and fully believing in their truth, I could have been justified in signing this Report of the majority of the Directors. I pretend not to know what counter evidences Mr. Pilsbury may have, or what proofs may have been exhibited to the other Directors. If there are any such proofs, from me they have been studiously concealed—and to this hour I know of nothing which ought to detract from the full weight of the facts which have been stated.

"To do away the effect of this testimony will I apprehend require something stronger than mere negative evidence—or the favorable opinion of those, who may have been frequent visitors at the Prison. Few persons have probably had more perfect opportunities for observation than myself—and yet while many of these abuses were perpetrating, I had supposed that all was right. I know from experience the difficulty of these investigations, and Mr. Pilsbury is not the first keeper of a Prison, who has been enabled to set all scrutiny at defiance.

"Of the men about him, some are possibly implicated with him, and the residue are for the most obvious reasons unwilling to disclose. Under these circumstances, the only security for the unfortunate prisoners must be, that the Warden is a kind, humane, honest and upright man.

"I cannot say that Mr. Pilsbury is such a man, while such statements as these, from respectable men can be produced against him. Nor will I commend him to the Legislature, as a safe depository of so tremenduous a power as is given to the Warden of that Prison, over the comfort, health and lives of the unfortunate, although criminal men, who are committed defenceless to his care."

M. WELLES.

New Haven, May 22d, 1832.

CERTIFICATES.

Certificate of Dr. S. B. Woodward.—"For nearly two years after I commenced the duty of Physician to the Prison, we had no accommodation for the sick at all. A hospital room had been provided by the Directors, and the Warden had frequently been requested to fit it up for the reception of the sick; it was, however, for a long time made use of for a work shop, while the prisoner sick of a fever, dysentery or other acute diseases, was confined to the cell, the air of which of course, soon became highly offensive, impure, and unfit for respiration. During the summer of 1828, I had a number of cases of fever and dysentery, confined and attended in this manner, that run from seven to twenty days.

"The prisoners often told me that their accommodations and attention when sick at the old Prison, were incomparably better than at this;—there they received kind and humane treatment, and every comfort which their situation would allow—here neglect abuse and starvation. Until the month of August 1829, the evils pertaining to the medical department of the Prison, were constantly increasing;—many prisoners met with such harsh language and abusive treatment if they complained of illness, that they resolved to die at their labor, rather than make known their complaints.

"In many cases it was extremely difficult to obtain nourishment for the sick, especially for such as the Warden or Deputy Warden supposed were "playing the old soldier." Many of them would tell me, and their statements would be confirmed by the nurse, that they had not had a morsel of food that they could eat for a whole day, and no adequate supply for their comfort for many days in succession. During all this time, the Warden and Deputy were opposed to any change, and at the end of the year, when the Medical Report was drawn up, the Warden was desirous that I should state in the report, that no patient had been in the Hospital for the year, although the Hospital room was then occupied as a work shop, and we had had six or eight cases of fever, that run through a course of from fourteen to twenty days, besides cases of dysentery, cholera and cholic.

I had frequently conversed with the Directors on this subject, and stated to them, the

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wretched condition of they sick. They all manifested great solicitude that the condition of the sick should be made good, and with entire unanimity adopted the present Hospital regulations, which have in practice, proved so salutary. These regulations were opposed by the officers, particular the present Warden, who had charge of the sick, and every obstacle was thrown in the way of their operation, by them; and as Mr. Welles and myself were supposed to have exerted ourselves to produce their adoption, we were never forgiven. And here was the origin of all the difficulties which have subseqently disturbed the Prison.

The latter part of June, or the first of July 1829, a black boy in the shoe shop by the name of Botsford complained to hisoverseer that he was sick—his case was made known to the Deputy Warden, now Warden, who decided that he was playing "the old soldier," and directed him to continue his task, the complaint was frequently renewed, and as frequently stated to the Warden or the Deputy by the overseer—the poor prisoner was treated by the Warden with great cruelty, as stated by both the overseer and prisoner, and still doomed to do his labor. After four or five weeks had elapsed, and Botsford getting constantly worse, the overseer remonstrated with the Warden, declared that it was his belief, that Botsford was very sick and unfit to labor, that he could not do his task, and that he did not think it right to charge his services to the contractor.

"Botsford was now permitted to consult me. I found him extremely ill with all the symptoms of general dropsy, not only of the limbs, but the cavities, his feet were swelled, his abdomen greatly distended with water, his breathing was laborious and distressing, his pulse was one hundred and twenty or twenty-five in a minute, greatly irritated and palpitating; tongue much furred, appetite gone, flesh wasted, he had had for weeks a severe and wasting diarrhœa which still continued, he complained of great weakness, said he was quite unable to labor, that he could not ascend the stairs to his cell, without the occurrence of great distress in breathing, and palpitation of the heart, which seemed to threaten immediate death. Upon examining his symptoms, I at once saw the danger of his case, and prescribed such remedies as I thought most likely to relieve him.

"On my next visit I was informed that Botsford was much better, or had got well and gone to his labor! This of course I knew to be untrue. A few days afterwards he was again permitted to see the Physicians, and fortunately Dr. Peters was present at this examination of his symptoms, we concurred in opinion of the nature and danger of his case, and directed that he be placed in the Hospital forthwith. This was the first case that had ever been treated in the Hospital. Previous to this, Botsford had had no food but his rations, and had eaten little or none of his food for many weeks, and it was very improper diet for his complaint if he had. Medicine took no sort of effect upon his complaint, his disease had approached so near its crisis, that death took place four days after he was permitted to discontinue his labor and receive medical attention. On dissection, from twenty to thirty pounds of water were found in his abdomen and a mass of disease exhibited truly astonishing.

"In the afternoon of the day on which Botsford died, I was requested to visit the prison to see a young black man by the name of Fagan. As I arrived at the Prison door, I met the overseer of the chair shop, who said to me, you have another case similar to that of Botsford, he has had a bad relax for some time, and he added, 'I have twenty men in my shop who use the close stool 100 times a day apiece, and are so weak that they can hardly stand by the benches.' I do not pretend to use his words precisely, but to convey his ideas in full. I enquired after the Warden and Deputy, and was told that one had gone to Hartford, and the other to Sing Sing. I inquired of the overseer, why he did not report these men, and not let them die in the shops, or suffer their complaints to go on till they became unmanageable and highly dangerous, and further told him that I was unwilling to take the responsibility of such cases at so late a period of disease. I was afterwards informed that the overseer had repeatedly reported them to the Warden, then Deputy Warden, who compelled them to labor, and treated them as "old soldiers," or as feigning disease, to avoid labor. Fagan was in a deplorable state, he had had diarrhœa for a long time, which ceased suddenly, he had now severe fever, distended abdomen, dilirium &c. he died in two or three weeks from the time of his admission. At this time, the Warden complained to me of ill treatment, of which I disclaimed all intention, but told him that I was unwilling to take the charge of such cases of disease, unless I could have an opportunity to attend to their symptoms early.

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"The next day after Botsford's death, I addressed a line to Judge Welles, stating that there was some sickness at the Prison, which in my opinion required the attention of the Directors. On the following morning, he accompanied me in my visit, and we had a list of 15 or 20 prisoners presented to us by his direction. Almost every individual had bowel complaints of some standing, two or three men quite ill; of this number including the two above mentioned, five died ultimately. The foundation of the fatal disease of each one of these individuals was laid in this protracted and neglected diarrhoea. Since I have had an opportunity to attend to the early symptoms of similar cases, one only has proved fatal out of many hundreds, for which I have prescribed. Soon after this, the Directors met and passed a bye-law, by which the sick are permitted to see the physician when they choose, and the physician is to decide whether the prisoner is able to labor and not the Warden. The effect of the bye-law since it has gone into operation, (although in many cases not strictly adhered to,) has been very salutary.

"Cyrus, the subject of the next fatal case received better attention, after he become seriously indisposed. His case was in many respects similar to the others, and soon after proved fatal.

"Two other sick prisoners, and the last of the five fatal cases that originated in this neglected diarrhœa, received very different treatment. They were both declared to be managing, or feigning disease, to be obstinate and lazy, able to labor and deceiving the physicians. They both had unequivocal symptoms of pulmonary consumption. Many eminent medical men, whom I invited to see them, concurred with me in this opinion. And yet I was constantly informed from these officers that they were not sick and they even went so far as to say that they were shut up by the Doctors *fatting*. It is needless to remark, that both of them died shortly after. During their sickness it was extremely difficult to procure, from the Deputy Warden, suitable nourishment for these truly unfortunate men. For days they hardly took a morsel of food, and very rarely had it in such quantity or of such a quality as they needed. I am quite confident, that both these men suffered more from hunger alone, or ill treatment alone, than from all the pains of a fatal disease—for this neglect and abuse the then Deputy Warden was principally responsible, as to him belonged the duty of taking care of the sick. Should the enquiry be made, why I did not expose this conduct of the officers to the public, the answer is, that it was my duty to notify the Directors and not the public. And also that it was my sincere wish as the friend of the Prison, that the abuses might be corrected silently, rather than that any public excitement be produced. I believed then, as I do now, that the tendency of all the bye-laws was salutary, and I do not intend to be understood to say that in general, the prisoners are uncomfortable, neglected, or abused. I do distinctly say, that in some cases of sickness, the treatment has been cruel, and any attempts to correct it, have been met with decided hostility and abuse. As an instance I would state that when good bread was directed to be substituted for that which was very bad, for a prisoner who was near the close of a fatal disease, I was informed that if I repeated such directions, I should no longer be permitted to visit the Prison. Such was the language which an officer of the Prison assured me the present Warden directed him to use to me.

"With the other departments of the Prison I have nothing to do. But of the Hospital department I say that such is the salutary tendency of the regulations adopted by the Directors—that gross violations cannot frequently occur without detection, yet the sick prisoner may suffer in many things, rather than incur the anger and rebuke of his officers, to which he would subject himself if he complained. The prisoners know the feelings of the Warden on this subject, and many of them prefer to suffer silently rather than expose themselves to his displeasure."

SAMUEL B. WOODWARD.

Certificate of Dr. R. H. Salter.—"I do hereby certify that I commenced the study of medicine with Dr. S. B. Woodward, July 1827, from which time I continued with him nearly four years, and for a considerable proportion of that time attended with him in his practice, not only generally, but at the Prison, of which he was the Physician from the commencement. I have no hesitation in saying that the treatment of the sick at that Prison, so far as it depended upon the Messrs. Pilsbury's, father and son, was extremely unfeeling and severe. This statement can be amply confirmed by facts. In the summer of 1829, as early as July, a bad case of disease occurred at the Prison, which proved fatal in a few

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days. It did not excite more interest than a similar or different isolated case would have done, under other circumstances. In a short time after, however, another case occurred, in its general character like the first, but more severe in its inception, and, owing to circumstances respecting its nature and seat, more deplorable. This second case occurring so soon, and in many respects like the first, excited inquiry, and led to an investigation of the cause. The Physician inferred, *truly*, that there was *something wrong* in the Prison —either the condition of the men as Prisoners, was such as to induce this kind of disease, or there was gross neglect on the part of the Officers in attending to the complaints of the sick, in the early stages. This patient said he had been unwell four weeks, and that in all his previous attempts to see the Physician, by reporting himself to the Officers, he had been wholly unsuccessful. As often, he said, (I pretend not to give his precise language,) as he had made any complaint, he had been treated with harshness and severity by the Officers, so much so, and fearing the consequences of again reporting himself, that he had rather suffer from his disease, and was determined to bear it through. This he continued to do, till the Physician saw him. On that day he was scarcely able to stand, much less to labor, and had fainted while at his work. This was the time when it was judged best to send for the Physician. This case terminated fatally.

"Within a day or two after this case came upon the Physician's hands, there were, at one of the regular visits of the Physician, between 20 and 30 men arrayed in the Hall of the Prison, who had been reported as sick. Most of them had been suffering two, three, or four weeks. With two or three exceptions, these cases terminated favorably in a few days under proper treatment. The other cases were fatal. From this time many cases of a like character occurred, but none of them continued sick longer than two or three days under the treatment adopted by the Physician. To each of the men during this Epidemic, who came under the care of the Physician, the question was put whether they had taken medicine, and it was the reply, invariably, that they had, and they further stated that it always made them worse. To the Officers, the Physician stated that he was of opinion, that the medicine they were in the habit of administering to the sick, rather than being beneficial, was injurious, and he recommended that they discontinue the practice. Notwithstanding, it was afterwards found upon inquiry, that the sick men had been drenched with this same medicine. I have not the least doubt that many who died, were hastened to their deaths by the negligence and severity of the two Mr. Pilsbury's, and candidly believe that many of them might have been spared their untimely fate, had proper attention been paid to them by these Officers, and they received early medication.

"It appeared to be the wish of these officers, to decide in the first instance, how sick a prisoner must be before it was proper to have him see the Physician. They seemed displeased when a man was reported as sick, and displeased with the Physician when any thing was ordered for the comfort or relief of the sick. Indeed their treatment of the sick and of the Physician, as well as of the Students, was such as to make it extremely unpleasant for me to visit the Prison.

"With respect to Ferdinand and McCarty, who were the subjects of consumption, and whose cases terminated fatally, subsequently to those mentioned above, it was a common remark of these Officers, that they believed them to be "playing the old soldier," that they deceived the Physician, &c. Ferdinand, they said, was as able to labor as any man in the Prison, and to this opinion they adhered, till within a short period of his death.— This man frequently complained of the severe treatment he received from the Officers, and from what I saw I had very little reason to doubt his statements. Many times have I seen the present Warden conduct him from his cell to consult the Physician, and while he was relating his case to the Physician, smile most contemptuously to his face. This Officer in conversation with him respecting his complaint, was cold and severe in his manner, and would frequently insinuate that he was well enough—a course of conduct which, instead of affording consolation and exciting hope, was adding fuel to the fire.

"The Officers had similar opinions of Mc'Carty, and he fared very little better. The Physician was charged with keeping this man in the Hospital, fatting, at a time, too, when he was expectorating purulent matter to the amount of nearly a pint a day. Mc'Carty frequently suffered from want of suitable nourishment. I well recollect an instance which happened not unfrequently; he had become very weak, and did not relish the common kinds of food which the Physician generally recommended for him; milk was what he desired; he had had it frequently as a kind of rarity, and relished it highly, and now the

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Physician directed that he have it as often as he called for it. For a few days his supply was sufficient. Soon, however, Mc'Carty complained that at such and such meals he had no milk. I took no notice of it at first, supposing it to be an unintentional omission. His complaints increased, and, on one of these occasions, the nurse informed me that M'C. had had nothing for food for several days in succession but dry toast, bread, coffee, and some kind of animal food. I now reminded the Deputy Warden of the direction of the Physician, "that M'C. have milk when he called for it," and informed him of the neglect. He excused himself for the neglect by saying it was not convenient, or something to the same effect—but assured me he should now have it. Notwithstanding, it was not until another time, when I again urged the necessity of obtaining it, I stated to them that M'C. was actually suffering from the want of it, that I finally succeeded. This man was pardoned by the Legislature in 1830. After he left the Prison, one of the Officers told me he believed in six months he would be well. Capt. Pilsbury used means to be informed of the event, and appeared surprised to learn that within five weeks of his discharge he was in his grave. I have a distinct recollection of another case, in which the patient was treated with cruel neglect, and the Physician with gross insult. Simons, who had been a long time sick, and whose complaint terminated fatally, had no other bread but such as was sour and mouldy for several days in succession, and he could not eat it. The same piece was given to him day after day, and was not touched by him. At length the Physician ordered "better bread for Simons," and made that entry in his book—at our visit, next day, Dr. W. not being present, I was asked who made the entry, myself or Dr. W. I answered that Dr. W. had ordered the entry to be made. I then was requested to inform Dr. W. that if he ever made another such entry, he should no longer be Physician, or it would be the last entry he should make.

"Previous to the present Hospital regulations, the Physician rarely saw a man until his disease had run on to an alarming, if not fatal extent. This neglect of the sick was a subject of frequent conversation between the Doctor and his Students. After these regulations were adopted, we were treated by both the Messrs. Pilsburys in a manner which evinced great coldness, if not hostility. It appeared to us that every embarrassment and difficulty was purposely thrown in our way, particularly by the present Warden. In short, he appeared to manifest towards all a moroseness and severity, which was extremely offensive.

"This morose disposition of Capt. Pilsbury was a subject of frequent conversation in Dr. Woodward's office. We have always been of opinion that this trait of character, of itself, from the fact of its displaying itself on every occasion, to the prisoner, overseer, in short to all who were in any way connected with the Prison, to forbid his performing many of the duties of his office in a proper manner, and this was found to be the fact in various instances. Many additional facts might be added in confirmation of the statement made at the commencement of this certificate, but I will conclude by merely adverting to the conduct of Mr. Pilsbury towards Judge Welles, one of the Directors. As far as my knowledge extends, (and it is by no means limited) he was the only one of the Directors who actually exerted himself in behalf of the sick, and who was determined as far as was in his power to stand by and see that the sick man was properly treated—and for this, abuse of every sort has been heaped upon him."

"R. H. SALTER."

Certificate of Dr. C. Belden, (West Springfield, May 17th, 1832.)—"Understanding that the conduct of Mr. Pilsbury as connected with the treatment of the prisoners in the State Prison, has been made the subject of considerable discussion, I transmit the following account of circumstances which fell under my observation.

His conduct generally was characterized by a harsh and tyrannical manner, altogether unnecessary, this was particularly true in his intercourse with the sick, he not unfrequently disregarded the complaints of those who were seriously indisposed, affecting to believe that they were feigned for the purpose of avoiding labor—and in some instances such complaints served only to create suspicion and to lead to increased severity of treatment. Ferdinand and McCarty for a long time suffered from disease of the lungs, and when their haggard countenances and emaciated bodies told too truly the ravages disease was making, and called loudly for the sympathising tenderness of others, they were in that condition, not unfrequently ordered to the work shops.

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"His cold and unfeeling manner to the complaints of the sick, occasioned a reluctance to speak of their illness, and there is reason to believe, that several forebore to complain, till disease had proceeded too far to admit of cure; This was remarkably exemplified, in the cases of Botsford, Fagan and others.

When Fagan was at last obliged to yield, and his dangerous condition, together with the necessity of prompt measures for his relief were urged on Mr. Pilsbury, the directions of the Physicians were very imperfectly followed. Fagan and Botsford were but a few days under medical treatment, though from examination made after death, it was evident that the disease of which they died, must have been of much longer standing. They either suffered in silence, or their complaints were designedly concealed from the Physician, till the structure of the organs was so much effected that death was inevitable.

"It was early a subject of deep regret, that the measures recommended for the comfort of the sick, by the Physician were so tardily and imperfectly executed by the officers, and he to often had the mortification to see the comfort, if not the lives of the sick sacrificed by the obstinate disregard of his instructions.

"At one time the water was such as not only to render it unpalitable, but evidently to have had considerable influence upon the health of the prisoners, yet when the necessity for its change was urged, that like others was suffered to passed unnoticed. I might enumerate other instances, but these will be sufficient to illustrate his want of attention to the comfort and welfare of the prisoners.

"I am yours, &c.

C. BELDEN."

Certificate of Dr. A. Talcott. (*Vernon, April 25th*, 1832.)—"I attended regularly upon the sick in the Connecticut State Prison from April to October 1830, and from March to August 1831, of course I was in the Prison as often as every other day, and in cases of actual disease every day.

"As I rarely visited the work shops, the circumstances with which I became acquainted, relate chiefly to such of the prisoners, as placed themselves under the care of the Physician of the Prison. I considered that the sick were not made as comfortable as their situation demanded. Their food was not such as the Physician directed. To state one out of many instances in the case of a prisoner who had been much reduced by disease. The Physician ordered good wheat bread for food, a direction which was accordingly entered on the Hospital Book. The prisoner was unable to take the food that was furnished him, and it was shown to the Physician at the next visit. The bread was so black, and heavy as to be very unhealthy for a well man, much more for one who was suffering from disease. By the Physician's directions, I recorded in the Hospital Book an order of this import, "let the prisoner have better bread."

"At my next visit I was assailed by a chief officer of the Prison with passionate and very ungentlemanlike language, and was told that if another direction like that was placed upon the book, none of us (meaning the Physician and his assistants) should be admitted to visit the Prison, or to attend upon the sick.

"In several instances there was great delay in furnishing the medicines that were directed, orders for the articles that were needed, were entered upon the Hospital Book or left in writing in the guard room, and in some instances, two, three or four days would elapse, before the articles would be furnished. As the Physician's prescriptions were made in the presumption that the articles would be procured, the sick were destitute of proper medicine and the care and skill of the Physician rendered of no avail.

"In repeated instances, those who were considered by the Physicians as dangerously sick, were said by the officers of the Prison to be counterfeiting sickness, or to use the technical language of the Prison, to be "playing old soldier."

"Instead of adding to the particular facts which have been specified, I will simply state the impression left upon my mind, with reference to the treatment of the sick. The impression was produced by my almost daily observations made in the Prison upon the persons, clothing, bed, food and medicine of the sick. From all these sources I formed the decided opinion, that the sick prisoner was not provided with what was necessary for his personal comfort, that his complaints were to often treated with neglect or severity,

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above all, that he never received from the officers of the Prison, that kindness and sympathy which the condition of one sick and in Prison so imperiously demands."

ALVAN TALCOTT.

The certificate of Mr. Morrison is so fully contained in his deposition, and the certificate of Mr. Obear in his testimony, it is unnecessary to insert them here.

RESOLUTION OF THE GENERAL ASSEMBLY.

"At a General Assembly of the State of Connecticut, holden at New Haven in said State, on the first Wednesday of May, in the year of our Lord one thousand, eight hundred and thirty-two.

"Resolved, by this Assembly, that the Hon. John Q. Wilson, Joseph Eaton, and Morris Woodruff, be, and they are hereby appointed, a Committee to examine into the state and condition of the State Prison, and the concerns thereof, and specially inquire after and report what errors, if any have existed or do exist in the administration of its affairs, and deliver their Report to the Secretary of this State, as soon as their duties shall be accomplished, to be presented to the Legislature at the earliest opportunity; at the present or next session, thereof: and the several Reports, and other documents presented to this Assembly at the present session by any of the officers of said prison, be referred to said Committee, for the purpose of said investigation.

"Resolved further, that if any vacancy should occur, by death, resignation, or otherwise, in the Committee above named, the Governor is hereby authorized, and requested, to supply the vacancy.

"Resolved, That for the effectual execution of the powers contained in the preceding resolutions, the above named Committee are hereby empowered to send for persons and papers."*

REPORT.

The Committee consisting of Messrs. Wilson, Eaton, and Woodruff, met at the Prison, on the 11th day of September, 1832. A motion was made by the counsel of Mr. Pilsbury, that the hearing before the Committee should be had at the State House in Hartford, on the ground that there was no room sufficiently large at the Prison. This motion was opposed, on the ground that it would subject all persons who were obliged to attend, to great inconvenience and expense,—that nearly all the witnesses were inhabitants of Wethersfield; many of them females, and that there was no difficulty in obtaining a room sufficiently large, in the immediate vicinity. It was also stated that an adjournment to Hartford, would subject the state to unnecessary expense, to hire substitutes at the Prison, in the room of the officers, all of whom would probably be obliged to attend, and that by this change, the security of the prison would be endangered—it was also urged, that there were several prisoners who were competent witnesses, whom it was proposed to examine.

"The Committee overruled the objection, and decided that the hearing should be held at Hartford. They then adjourned to the 2d Tuesday of October then next.

"On the 2d Tuesday of October, 1832, the Committee met in pursuance of their adjournment, at the State House in Hartford.

"Mr. Smith of New Haven attended as Agent, and Attorney for the State. Messrs. Betts and T. Smith appeared on behalf of Mr. Welles, with the avowed purpose of shewing that he had received the information stated in his Counter Report, and had therefore probable cause for withholding his signature from the Report of the majority of the Direct-

*The first section of this Resolution, is in the hand writing of one of the counsel of Mr. Pilsbury.

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ors. Messrs. Sherman, Hungerford, and C. Shepard appeared as counsel for Mr. Pilsbury.

"The preceding documents were all read, viz. the Resolution appointing the Committee—the Report of the Majority of Directors—the Report of the Physician—the Counter Report, with the certificates of Messrs. Woodward, Salter, Belden, Talcott, Morrison, and Obear.

"The counsel for the State here stated to the Committee very generally, what the testimony would be—and for the purpose of preserving some order in the inquiry, proposed the following arrangement.

"1. That the accounts were not kept according to law.

"2. That the Prisoners suffered for want of food.

"3. That they were for several weeks furnished with bad water.

"4. That they suffered from cold and bad air.

"5. That the sick prisoners were treated with great cruelty.

"6. That the Bye-Laws were disregarded.

"7. That depradations were committed on the public property.

"8. That the prisoners were illegally punished for misconduct.

"9. That the Prisoners were permitted to leave the Prison and go at large.

"He remarked, however, that there would probably be much evidence, which could not be arranged under either of the specifications, and which the Committee would of course notice as it was introduced.

"The witnesses were then called and sworn."

Testimony.

Seth Catlin.—"Have been acquainted with keeping books by double entry. I have examined the Prison books, which are now here, (Ledger, Journal, Day Books, &c.) They appear to be kept by double entry. I have taken off all the balances of the open accounts upon the Ledger—both debits and credits. If the books were correctly kept, they would balance *precisely*. I find them, however, to be out of balance, by $1096,92, according to the Trial Balance which I took off, and which is correct.

"Cannot tell where the error is, without going over all the books. I have examined them, so far as I have had time. Find them very inaccurately kept. In many instances posted wrong;—in some cases where the original posting was right, it has been erased and made wrong. In one case where the debit against an individual is posted $321, and appears to be that sum, both in the Day Book and Journal, and was originally carried to the credit of the State, correctly, as $321, the figure *three* has been erased, and a figure 2 inserted; so that it now stands and foots $221, making a difference of *one hundred* dollars. There are many wrong footings, and forced balances. The errors are generally against the State. The credits to the State are posted too small. The books are so badly kept, that in order to settle them, it would be easier to make an entire new statement of the accounts than to correct them. I was employed by Mr. Montague to make the examination, and then by Mr. Welles.

Henry A. Perkins, Cashier of the Hartford Bank.—"Books kept by double entry should balance, i. e. the debits and credits of the open accounts should agree. If they come out even, they must be right, unless there is a balance of errors. If they do not come out even they must be wrong. No. 1 appears to be a Balance Sheet—No. 2 a Trial Balance. Both should balance. It appears that the footings in the Balance Sheet do agree—but the footings on the Trial Balance disagree more than one thousand dollars—this shews that the books must be inaccurate. To tell where the inaccuracy is, however, would require an examination of the Books.

Edward L. Brown.—"I have examined these Books. I was employed by the Agent for the State. Have been acquainted with keeping books by double entry. I have drawn off several entire accounts, and have examined the footings of several others.—They are full of errors. The balances have been forced in many instances—there are false footings and entries to the credit of the State, which were originally footed right, have been erased and made wrong. In one case, the provision account is credited on the Day Book, with cash, Nov. 7. 1827, $54,-25—this entry is posted on the Ledger, as $24,25—making the credit to the State $30 too small. It appears by the Warden's Report to the Legislature, that the provision account was settled with that error contained in it; as the footings in the Report agree

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with the erroneous balance of the provision account in the Ledger.

"Another error occurs at page 97, Ledger, where the footing of the provision account is $30 too large; making the apparent expense of provisions for 1831, $30 more than they actually cost.

"Another instance occurs under date of January 24, 1831. Wm. M. Thorp is charged with articles to the amount of $321. This is posted to the debit of Thorp's account, $321, and was originally posted to the credit of the State, in the Chair shop ac't, as $321. The figure 3, (which was correct) has manifestly been erased, and a figure 2 substituted—making the amount $221, or $100 too little. The earnings of the chair shop, therefore, appear to be for that year, upon the Warden's Report to the Legislature, and also upon the profit and loss account upon the Ledger, (which agree,) $4297,94, which is not so much as that shop actually earned by $100. The earnings of the various shops, and the income from whatever source are all brought together, and are for that year $15,166,18, and the expenses are all brought together, and are 7,342,16 and one sum is deducted from the other, and the gain to the State appears to be $7,824 02.

"Now it is very clear from the books, that the *apparent* income for that year, is less by $100, than its *actual* amount, and the expenses are represented as $30 greater than they actually were—making a difference against the State, on only two items of $130 for that year. The income for that year, therefore ought to be $7,954, 02. This affects the State in my opinion.

Question by Mr. Pilsbury's counsel.—"Would not the cash account correct that error, so that the State would really lose nothing.

Answer.—"I think the cash account if correctly kept, might rectify the error, because the cash would hold over or exceed the profit and loss account—just the amount of the error—which is in this case, $130. But the cash account does not hold over—the balance of cash on hand for that year, (1831) appears to be $1,234, 31 which is just the sum which would be necessary to make up the profit and loss account, as the books have actually been kept including the errors. The books all appear by the Warden's Annual statement, to balance notwithstanding these errors in footing and posting—the balances of course are forced.

Question by Mr. P.'s counsel, (exhibiting the quarterly cash accounts as settled by the Directors.)—"Would not these quarterly cash accounts, if made out directly from the Day Book, and made to compare with the cash account upon that book, correct the error upon the Ledger?

Answer.—"I have not particularly examined these quarterly cash accounts, but should think if the errors in footing and posting existed in the *cash* account upon the Ledger, that these quarterly cash accounts would correct them, and in that case the footing in the quarterly accounts would differ from those in the Ledger. (The footings were here compared before the committee, and it was found that the quarterly accounts and Ledger agreed precisely.) But the errors which have been pointed out are in the income and expense acccunt, and I do not see how these quarterly cash accounts would reach them—unless they show that the cash holds *over* the amount of those errors, and thus differ from the Ledger."

(It was not claimed that there was any difference between the quarterly cash accounts, and the Ledger cash account—the footings were the same.)

"I do not see how the books could be made to balance with such errors in them, except by false balances. It has been generally considered among book-keepers, that a set of books are entitled to no credit, where forced or false balances appear.

Mistakes are sometimes made in a set of books which it is extremely difficult to find and often occasion great labor, but if they cannot be found they ought to be noticed as errors, and not concealed by false balances. In this case however of the erasure, the error was discoverable and must have been intentional, as it was an alteration from right to wrong to the amount of one hundred dollars.

"There are a great many other errors upon the Books and in almost every instance they are against the interest of the State, the credits to it being either too small or the charge against it too large.

"I should think it would be easier to make an entire new set of Books, than to correct all the errors of the present Books. I was requested to draw off the provision account and some other accounts; which I did. The error in the Chair shop account was first discovered by me. I discovered the errors in the provision account by attempting to reconcile my footings with those of the Ledger, I had to go through the whole account to do this.

Henry A. Perkins, (recalled.)—"Thinks the Books have been kept on the principle

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of double entry. I have seen no cash account. Every entry on the day book must be posted to two separate accounts, to the debit of one and credit of the other and when the balances of all the open accounts are taken off the debits and credits will agree precisely if the books are accurately kept. It appears from the trial balance that these books are out of balance by $1096 92. It is possible that the error on the 133d page of $100 by erasure, may have been corrected in the cash account. I should suppose however that the cash account would in that case hold over to the amount of $100. Errors ought to appear if there are any, and not be concealed by false balances."

[The Counsel for the State, here claimed that all the cash had not been credited, inasmuch as it was apparent that the cash did not hold over, as it must have done, had it all been credited to the state. That the errors to the amount of $130, which had been pointed out by the witnesses in the account of 1831, if corrected would make the gain to the State $130 more than it was represented to be in Mr. Pilsbury's Report to the Legislature, and consequently would require that additional sum in cash to balance the account, and from the fact that the cash did not hold over that sum, it could not all have been credited.

That Mr. Pilsbury had only produced cash enough to pay the balance as it appeared by his books, when that the balance was $130 less than it should be, of which sum $100 was intentionally wrong. Also that the claim that the error was corrected by the quarterly accounts was unfounded, as those accounts were only the same cash accounts, as appeared on the Ledger and agreed with it throughout. If one was wrong the other was.]

Dr. Samuel B. Woodward.—"I commenced visiting the Prison as a Physician in the summer of 1827, while the convicts were at work building the Prison Shops—during the fall of the same year the residue of the prisoners were removed to Wethersfield. The general health of the prisoners was good except that they were more or less affected with diarrhœa after their removal. The elder Pilsbury took charge sometime in August of that year, (1827.) I was not an officer of the Prison, but sent for by the Warden or Deputy when they considered a prisoner sick enough to require the aid of a Physician. I therefore visited the Prison on the same footing as I should a private family up to October 1829—when I was appointed the Physician to the Prison by the Directors and a bye-law was passed regulating the Hospital department. During the year of 1828, there were several acute cases of fever, dysentery and cholera morbus some of them severe and run from seven to twenty days These were all treated in the cells, the air of which soon became extremely impure and offensive. The room which the Directors had provided for a Hospital and which is now used as such was then used as a Paint shop. I often requested the Warden to furnish better accommodations for the sick, told him that the cell was not a proper place for a sick man and that the Hospital was necessary. During the winter and fore part of the summer of 1829, the prisoners were as healthy as usual so far as I know. I was not often sent for. In the month of July 1829, there were very few cases of sickness made known to me and I visited the Prison less frequently during that month than any other, although from what appeared afterwards there must have been very severe sickness prevailing at that time. My mode was to inquire of the Warden or Deputy (more usually the latter for it was his duty to go with me to the sick and receive the prescriptions) if there were any sick prisoners. From him I got no information of any sickness, although one of the overseers had informed me that there was considerable sickness prevailing. Some time in the latter part of July or first part of August 1829, I was requested to see a black boy in the shoe shop by the name of Botsford. On examination I found him ill with all the symptoms of general dropsy—his limbs were greatly swollen, his bowels distended with water, great labor and distress in breathing, pulse one hundred and twenty or one hundred and twenty-five in a minute, much irritated and palpitating, tongue furred, and flesh wasted. He complained of great weakness, that he had for weeks a severe diarrhœa, that he had no food but his rations, which made him worse, felt unabled to labor or even to ascend the stairs to his cell, said he had labored almost constantly although he had been thus ill for several weeks and wished to speak to me, but was not permitted by the Deputy."

[The counsel for Mr. Pilsbury here objected that it was not competent for the witness to relate what had been said by the prisoner, respecting his previous condition and treatment, or food, or labor. To this it was replied by the counsel for the State, that it would be impossible for a Physician to testify without relating all the facts upon which his judgment of the case was founded that some of these facts must be drawn from the prisoner and could come from no other source; such as his appetite the quantity of food taken, the nature of the food, the length of his sickness, habits of body, ability or strength to labor and all these would be taken into con-

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sideration by a Physican in forming his opinion; and thus formed a part of the case. That if this testimony could not be received there was very little use in pursuing the investigation as from the very nature of the case, the condition of the prisoner must be ascertained either from himself or from the officer who is the individual accused. The committee decided that the testimony was not admissible.

Dr. Woodward in continuation said he would endeavor to separate between the information derived from his own observation and that from the relation of the patient himself, though it might be sometimes difficult, as he could not tell whether a patient had taken the medicine or nourishment previously ordered or how it had operated except from the the patient or his nurse also a prisoner. One of the most frequent complaints made to me was that they had not been supplied by Mr. Pilsbury with the nourishment or medicine which had been ordered yet this could not well be ascertained by any Physician by a mere examination of the patient without hearing his statement.

"As it respects Botsford however there was no difficulty in ascertaining at once from his visible symptoms, that the case was an alarming and probably a fatal one. I made my prescription and gave my directions to the officer accompanying me who was usually the Deputy Warden, Amos Pilsbury, (and who I think was now present.) Botsford went to his cell. On my next visit I was informed, I think by Amos Pilsbury, that Botsford was at work in the shop, and had got well, or was better. I did not see him. A few days after this I was at the Prison with Dr. Peters, one of the Directors, when we were requested to see Botsford, he was brought in from the shop. His disease had increased. We both agreed in opinion that the case was a very dangerous and probably a fatal one and ordered him to the Hospital forthwith.

"This was I think about the 7th or 8th of August and was the first case which had been treated in the Hospital. Medicine took no effect upon him, his disease had advanced so far that he died in four days after he was taken from his labor and permitted to receive medical aid in the Hospital. On dissection we found from twenty to thirty pounds of water in his abdomen, the viscera were all greatly diseased, water in the thorax, about the heart, and in the extremities; heart collapsed and flabby. Traces of disease were visible which must have existed a long time. The case was very strongly marked. Symptoms were altogether visible and obvious to every observer; there was great apparent debility, and bodily labor must have been accompanied with great suffering.

Qestion by Counsel for the State. "Was Botsford able to labor at any time when you saw him?" *Ans.* "He was not."

Question. "Was his disease such that it must have rendered him unfit for labor for many weeks before his death?"

Ans. "The disease was obviously one of long standing, and must have disqualified a person for labor for a long time probably a number of weeks."

Ques. "Were the indications of disease so distinct and apparent that the officers of the Prison must have been acquainted with the condition of Botsford as it respects his unfitness to labor?"

Ans. "I think that no person who saw him could have supposed him a proper subject for labor."

The Prison Books were here exhibited by which it appeared that Botsford had labored every day up to the Friday when he entered the Hospital, which was four days before his death, and that the contractor was charged full price for his labor up to that time.

"In the evening after Botsford death I was sent for to see Fagan, a young black man who also worked in the shoe shop, and was from 16 to 18 years old. I inquired for the Warden and Deputy Warden, both were absent, the Warden Moses C. Pillsbury had just gone to Hartford. The overseer whom I found in charge informed me that Fagan was in the Hospital and had worked through the day; he also remarked that Fagan had been long sick with the same complaint of which Botsford had died, and that he had twenty men in his shop who went to the close stool very frequently, or a great number of times in a day, I should think he said a hundred, and were very weak and scarcely able to stand at their benches. (This testimony was objected to by the Counsel of Mr. P. and was rejected by the Committee.) I found Fagan in the Hospital; that he had worked through the day, he had had a diarrhœa of long standing, swelled abdomen, pulse was violent, high fever and delirious, and that he had been sick a number of weeks. He died in a short time and upon dissection we found a large quantity of water in the abdomen and about the heart. In general appearance the viscera resembled those of Botsford, and exhibited a mass of disease throughout. This disease also must have been of long standing, and his inability or

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unfitness to labor must have been manifest to every person who saw him. I ought to mention that at the time when I was first called to Fagan and found both Warden and Deputy Warden absent and discovered what his (Fagan's) condition was and that there were a large number of other prisoners more or less affected with the same complaint, who had been reported to the Warden and Deputy Warden as sick but had received no medical attention, I informed the officer whom I found in the care of the Prison that I was unwilling to take charge of any more such cases unless I could see the patients before the disease advanced so far and put on a fatal appearance. I immediately informed Judge Welles of the condition of the sick and of my unwillingness to be the Physician unless the patients could receive earlier attention. He accompanied me the next day to the Prison and requested that every prisoner who complained of sickness should be allowed to see the Physician as soon as he complained. With this request the Warden seemed reluctant to comply, he however yielded. and there were brought in from the various shops from twenty to thirty prisoners who had disease of long standing, of these, three died in addition to Botsford and Fagan, viz. Cyrus Freeman, Ferdinand and McCarty. Freeman was under our care some time, and improved somewhat, his general symptoms resembled those of Botsford and Fagan, same disease. He was then taken out of the Hospital without my consent and was put to labor. Labor appeared to produce a recurrence of the symptoms, and after he was brought back he appeared to go down rapidly, and died in September 1829. Most of the men thus brought out were unable to labor. If they had been at large should have no doubt it would have been unsafe for them to work. Labor would injure them, at least many of them very much, and in my opinion they ought not to have worked for many days previous. Both the Messrs. Pilsburys considered Ferdinand as "playing old soldier," this was their common term for sick prisoners who they supposed feigned disease. He was sometimes in the cell and sometimes at work in the shop, when I first saw him he was making nails, he was afterwards placed in the chair shop. His legs and bowels were very much swollen, he had diarrhœa and was much emaciated and trembled. I expressed to them both my opinion that he was sick and unable to labor. One of them said that his legs had swollen in consequence of a ligature which he had applied but I could never discover the least reason to suspect that to be the cause and I am satisfied that it was not the cause. He labored at least a month after I had made my opinion known to both Warden and Deputy Warden that he was unfit to work. Ferdinand often complained that he had no food while shut up in his cell, and I recollect that in one case he was, at about 11 or 12 o'clock A. M. brought down from his cell to see me, when he complained that he had been without any thing to eat since the afternoon before. The Deputy A. P. inquired of him why he had not had something to eat, he answered he had been shut up in his cell and nobody had been to see him. He was then in a very weak and feeble state and required attention. His disease finally resulted in a pulmonary consumption, and he died I think in the December following. The treatment of Ferdinand appeared to me to be harsh and unfeeling. It was apparent for many months before he died, that he was laboring under a fatal disease and after I had expressed this opinion he was still compelled in many instances to labor when wholly unable. He also suffered for the want of proper food and nourishment.

McCarty was sick a long time and labored also many weeks after I had expressed to the Warden my opinion that he was too sick to work. At about this time and previously I had conversed with each of the Directors respecting the condition of the sick, and expressed my unwillingness to act as Physician, unless my directions could be complied with, and unless the sick could receive earlier attention and better treatment. In the month of October 1829, at a meeting of the Directors, I made a very brief statement of the condition of the sick prisoners, of the difficulty which was experienced in procuring proper food or attention for them, of their reluctance to complain of sickness, in consequence of the treatment they received. I endeavored only to state so much as would induce the Directors to examine the subject, and avoided as much as possible stating any thing which would injure the Messrs. Pilsburys, or produce an unfavorable impression. Judge Welles immediately drew up a set of Hospital regulations, which are substantially the same with those found in the printed bye-laws. They were signed by all the Directors, and I was at that time appointed the Physician of the Prison in writing. By

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these regulations it was made the duty of each overseer of a shop to report in writing, by 9 o'clock A. M. the name of every prisoner, who was sick or complained of being so, to the Warden or Deputy, whose duty it was to cause each man thus complaining to see the Physician, at his next visit. The Physician was required to visit the Prison as often as every other day, and oftener if necessary, and was to decide the question whether or not the prisoner was sick, or unable to labor, and to direct for him such supplies of food and medicine as the case required, and the officers of the Prison were required to conform themselves to his directions in relation to the sick.

I was present when Mr. Russ and Dr. Peters notified Mr. Pilsbury of this regulation. He appeared to be extremely angry, and when I next saw him he manifested, as well as his son, great displeasure at the regulation, both said many unkind things, and treated me personally with great coldness and incivility. This treatment of the sick, and these Hospital regulations, were the origin of all the difficulties which have existed at the prison. Both of the Messrs. Pilsburys appeared to be displeased with Judge Welles, because he had drawn up these regulations as a Director, and with me, because I endeavored, in the discharge of my duty, to have them complied with. After the adoption of this regulation they in a great number of instances, refused or omitted to supply the food or nourishment which I had prescribed, and although the condition of the sick was much improved, still many obstacles were thrown in the way of executing the bye-law, particularly by the Deputy Warden, A. P. In the case of McCarty he often complained that he suffered for want of food, after his case had clearly put on the appearance of a confirmed consumption, and the Deputy, A. P. would often admit that he had not been supplied with food as ordered. Sometimes no reason would be assigned for the omission, but a good deal of bad feeling manifested because the sick man had complained to me, at others he would say it was not convenient to obtain the articles, particularly milk, which constituted almost his entire diet, being the food he preferred to any other. I often prescribed beef-stake for McCarty, and the prescription was often neglected. I did not report these omissions to the Directors. My wish was, so far as I could, to remove the difficulties silently, and not to produce an open rupture. At the time when McCarty and Ferdinand were near the close of life, the treatment which they often received from the Deputy Warden, A. P. was extremely unkind, he manifested towards them a harshness and bitterness of feeling—often reproached them with still "playing the old soldier" and feigning disease, and intimated to me in their presence, that I was deceived as to their condition and that they were quite able to work. At one time when he made these remarks, McCarty was expectorating at least a pint of purulent matter during the day, and had been examined by several of the most eminent Physicians in the State and pronounced incurable. The disease of which I have spoken as having prevailed in 1829, was in my opinion produced by insufficiency of food and general poverty of diet. I thought the rations ordered by the Directors to be sufficient, and still think so, but I have no evidence that they were fully supplied to the prisoners. In 1827 and '28, the men appeared better than in 1829. I often heard the prisoners complain of great hunger, and thought the rations in their kids or vessels looked small. After the Matron took charge of the cooking the same rations appeared one third larger in quantity, and this while the quantity prescribed by the Directors remained the same as before. I have no doubt of one fact, that the prisoners actually received much more food under the Matron than before, and if she gave them only the rations prescribed by the Directors, they must have received much less than their rations before she took charge. It was her duty to weigh them out according to the bye-laws and make a return to the Directors under oath. She entered upon the business of cooking, I should think, in the spring of 1831, before that, the cooking had been done in the Prison Yard by the male convicts. Previous to the Hospital regulations the sick had been supplied from the family of the Warden, *who charged as I understood a dollar a week each to the State.* During this time the prisoners often complained that they were not supplied with food at all, or not sufficiently; this the Warden admitted, and I found from my own observation that they did not receive that which was proper for them. By the Hospital regulation the sick were supplied from Hospital or Prison stores and the cooking done in the Prison kitchen, the sick seemed much better satisfied with this arrangement and the

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expense I should think was considerably less.

In the spring of 1829, the Warden requested me to state in my Report that there had been no persons sick in the Hospital. This I declined doing as we had no Hospital ready for the reception of patients and there had been several severe cases of fever, and cholera, which had been treated in the cells for want of a Hospital, and which required a Hospital, I had indeed often requested the Warden to make the Hospital ready for patients, which he always declined doing.

"In one case I had ordered pills of nitrate of silver, for a prisoner of the name of Barlow, long ill of an affection of the heart —these had usually relieved him. At one time, it was found that he was growing worse, and inquiry was made of the nurse if Barlow had his pills: he declined answering the question at first, but finally said, that the Deputy Warden had taken away the pills prepared for Barlow, and had ordered him to make an equal number of bread pills, and give them to Barlow; and threatened to punish him if he informed the doctor. The bread pills had been given. On mentioning this to the Deputy, he admitted to me that he had made the change of the pills, and had been giving the bread pills; he assigned no reason for this to me.

Cross-Examined.—"After the matron came, the food was cooked by her for all the prisoners—that for the sick was prepared by her under the direction of the physician. Mr. Pilsbury did not like to have patients in the Hospital: seemed angry and displeased when they complained, or were ordered to the Hospital. There were probably more than fifty instances, in which McCarty had been denied milk when ordered. Pilsbury admitted the want of it, and that it had not been supplied. There was no difficulty in obtaining it. I often sent it there myself, and offered them any quantity. It was not prescribed for more than two patients. I saw Ferdinand at work, a great number, perhaps fifty times, after he was sick, and too unwell to labor. McCarty also made shoes when he was too unwell to work, and was injured by it; and after I had made known my opinion of his unfitness to labor. I did not know that when the sick were sent to their shops, they were charged to a contractor, and compelled to labor. As we had then no Hospital, in a state to receive the sick, I was accustomed to send the moderately sick to their shops, which they preferred, rather than be locked up in their cells; but I did not know they were put to work, and charged to the contractor. As to Botsford and Fagan, their condition could not be mistaken. A sick negro, is a sick looking creature. I told Mr. Pilsbury that he, (Botsford,) was very sick. Rations were much increased in appearance, after Mrs. Griswold, the matron, dealt them out; and this, while the Bye-Laws as to the quantity remained the same. I have already stated my opinion, that the disease which prevailed in 1829, resulted from poverty of diet. The appearances on dissection were such as indicated poverty of diet. My report of 1830, as first drawn up, contained a particular statement of the disease, and all the important facts connected with it. It was accompanied by the dissections and post mortem examination. On presenting this Report to two of the Directors, Messrs. Russ and Welles, I was requested to take it back, and soften down those parts which gave an account of the sickness; and those paragraphs were principally stricken from the Report. This request came from Mr. Russ. Dr. Peters was not present. I do not think that Mr. Welles joined in the request: do not recollect that he said any thing. The reasons urged by Mr. Russ were, that as the elder Pilsbury had removed from the State, and the Directors had taken measures for securing to the sick better treatment in future, it was best to say nothing about the former treatment. He admitted that both the father and son had conducted improperly, in relation to the Hospital regulations; in opposing their execution; and expressed his disapprobation of their conduct; said that he had told the elder Pilsbury when about to leave the Prison, that the Directors had generally approved of his conduct, but were dissatisfied with his treatment of the sick, and his conduct respecting the Hospital regulations; told him that they were unanimously adopted by the Directors. Mr. Russ further remarked, that he entirely approved of the prompt and efficient course Judge Welles had taken, in the absence of the other Directors, respecting the sick; and in requiring that they should see the Physician, when they complained of illness; said the Physician ought to decide the question of sickness or health. One of my students read a dissertation before the medical examiners of Yale College, upon the diseases of Prisons, and gave a full history of the cases which occured at the Prison in 1829; and

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of the dissections and post mortem examination. Professor Tully afterwards remarked to me, that the history of these cases furnished to his mind conclusive evidence, that the disease was brought on from insufficient diet. Several other eminent Physicians have concurred with him, among others, Dr. Todd. Mr. Amos Pilsbury evinced great unwillingness to comply with the Hospital regulations. He had the principal care of the sick. He was very reluctant to have any thing done for the prisoners. In one case "*good wheat bread*" had been ordered for a convict by the name of Simons, who had been long sick, and who soon after died; instead of having good wheat bread, he was furnished for several days, with that which was sour and mouldy, and which he did not, and could not eat: it was unfit to eat. I then directed one of my assistants to enter in the Hospital Book, in which the directions were usually given, "*better bread for Simons.*" The next day a message was sent to me, that if I made another such entry, or if such another entry was made, we should not be allowed to enter the Prison, and it would be the last entry we should make.

"The prisoners seemed reluctant to complain before Amos Pilsbury; seemed unwilling to tell of their diseases; were afraid of him. His whole language and manner towards them when stating their cases to me, was unkind and unfeeling, and often abusive. When he was not present they stated their cases much more fully.

Question by Counsel for Mr. P.—"Can you name a single prisoner who was unwilling to tell you his complaints before Mr. P.

Answer.—"Yes, I think I can name one hundred, who were afraid to tell their complaints before him, but who stated them fully in his absence; and if I might be allowed to state what they said, it would be apparent that they had good reason to be afraid.

Q. "Do you not consider the Messrs. Pilsburys to be humane men?

A. "I did consider that the father intended to be humane in his general treatment of the prisoners; his ideas as to the treatment of sick prisoners I thought erroneous, and believe they led to great suffering; do not think he was aware of the treatment the sick experienced from his son, A. P. Of Mr. Amos Pilsbury I have a different opinion; he is certainly very different from his father; is not humane, but harsh and morose in his feelings; seems to be ill tempered. I was at first misled by him in relation to Ferdinand's illness, and suspended my own opinion, in consequence of his reiterated statements, that he was "playing old soldier," and feigning disease; did not interfere; I however soon became satisfied, that he was a sick man, and told both the Messrs. Pilsburys that he must not work; that he was injured by it; was unable to work; he however did work for a long time after this.

"The prison was extremely cold during last winter, (1831–1832.) The Hall and cells had been formerly warmed by Fowlers's air heater, or furnace, which took the air from without, and introduced it into the Hall in a rapid and well heated current; which both warmed and ventilated the apartments. This furnace was removed from its place, and made to take the air from the same apartment intended to be warmed. The consequence was, there was much less ventilation, and the air became offensive, extremely so—and it was necessary to raise the windows in the cold weather.

"At the time when they were in the habit of raising the windows, and in the coldest weather, we had at one time, 45 sick with influenza; part of whom were in their cells through the day, and part in the workshops.

"The men must have suffered in these cells. It was too cold for me in the Hall while I was examining and prescribing for the sick, although I was warmly clad, with the usual over-garments; and the prisoners had on nothing but the same dress which they wore in summer; (dress in summer and winter the same: coarse sattinett;) trowsers, vest, and roundabout; no overgarments. There was one case of frozen feet; and two others, whose toes had been touched by frost, and were sore. Prisoners generally complained of being cold, especially cold feet; do not go to a fire from December to May, and have no chance to warm them; they are searched in the open air, after they are marched from their warm shops; do not know exactly how long they are out; perhaps 10 or 15 minutes. They suffered more from cold last winter, than at any period before. Know of no reason for removing the air heater. Whitman's feet were frozen. Reed's and Blount's were sore from frost. Many had chilblains. The shoe and chair shops are usually warm; smith's shop cold; clothing was generally thin and often ragged. I recollect that in one instance I prescribed for a sick man in cold weather, a pair of whole or

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new pantaloons. Bedding was very poor; blankets were ragged; and were generally light, thin, and short. Bye-Laws require three blankets each; of those in use three would scarcely be equal to one good one. I have never seen any sheets except in Hospital and female department; though the Bye-Laws require that each convict shall have two; know of no reason why they should not have them; no objections on account of dampness; those in the female cells are not damp, and would be more likely than the male cells to be so, on account of the nearness of the steam cooking apparatus; halls and cells probably warmer in the night than during the day, when doors and windows open; and perhaps as warm as the apartments in which many farmers sleep; yet their blankets and bedding during the last winter, were by no means as warm or comfortable, as those which are used by our citizens.

"I spoke to the Warden about the coldness of the Hall and cells, and the want of ventilation; the air was often excessively offensive. I made an entry of the frozen feet in the hospital record.

Extracts from Directors's Book.

The following extracts of entries made in the Director's book, were then read and copies furnished to the Committee.

The Directors book is kept at the Prison.—As the Directors do not meet but once in three months, each Director enters upon this Record the observations he has made at his weekly visits; suggests such subjects for the consideration of the other Directors as may occur to him as proper. By this means each Director is enabled to communicate with his associates, and can always shew what has been his own course in relation to any measure.

"*June* 14, 1830.

"The shop books appear to have been kept in the manner formerly practiced, before the adoption of the late Bye-Laws. I also understand from the Warden, that nothing has been done under the 2d. Rule of the 4th Section of the Bye-Laws. I hope these rules will be observed in future.

"M. WELLES."

"*June* 22, 1830.

"Made enquiry with respect to the manner in which the 2d Rule of the 4th Section of the Bye-Laws was complied with; was told by Mr. West, the Deputy Warden, that he generally weighed the rations himself; when he did not, he strictly watched the person who did. The overseer of the carpenter's shop has commenced an account of work of every kind done *in his shop*. So that the *exact amount of the earnings of the shop* will appear, by examining the book. The amount of work done in the other shops, also appears from the books, as now kept by the overseers.

"S. H. HUNTINGTON."

"*December* 17, 1830.

"Before it will be my duty to make another entry, the new building will probably be occupied. There are many things connected with this new arrangement, which in my judgment require the immediate attention of the Board, particularly a system of discipline, and regulations for the female department; and I am desirous that some more efficient system of instruction should be adopted for all the convicts. There is a portion of their time which might be advantageously occupied in acquiring information without detriment to any other interest, and without imposing any new burthen upon the present officers. The public have a right to expect of us, and do expect, that the Institution will be placed upon the highest possible ground, in relation to this matter. I would fill every moment which is not necessarily occupied with labor and rest, with instruction; and should not hesitate to employ and compensate, a proper person, who should devote his whole time to this important object. These men are in one sense under our care, and I feel that we fail in our duty, if we sanction any system which shall not produce the most beneficial effects upon them. They are as open to efforts for instruction and reformatiop, as any other men. They are generally ignorant and neglected men; and I am resolved, that so far as it depends upon me, or any efforts which I can make, no other interest or consideration shall be allowed to stand in the way of their receiving the most ample instruction which their situation can admit. There are many reasons why this subject has not heretofore received from the Directors, its proper share of attention; such as the alteration and erection of buildings; the want of convenient apartments; and the confusion and irregularity incident to any change. But I trust we have now had sufficient experience in Prison affairs, to enable us to adopt some efficient system; and with the late improvements in our construction, I hope we shall introduce one. I have alluded to this subject now, in the hope that my brethren would give to the subject its proper consideration; and be prepared to act definitively upon it at our next meeting. I believe that we have full authority in this respect; and that if the Institution is not all that it ought to be, we are ourselves censurable. The Legislature have hitherto listened to, and even adopted all our suggestions, whether as Commissioners or Directors; and seem to have yielded to us a confidence, which we cannot

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forget. In return for all this confidence, I feel ambitious, that the Institution should be so conducted that it shall merit the approbation of the community; not only from its pecuniary prosperity, but from the excellence of its moral condition.

"M. WELLES."

"*December* 24, 1830.

"I have this day visited the several cells and workshops in the establishment; and find them generally in their usual order; I concur with Judge Welles, that a system ought to be adopted, of the kind alluded to by him, or in some way, that measures should be adopted, to place the government of the Prison on such a footing, as that if any irregularity should occur, that it may receive prompt attention from the Directors. I also concur in the opinion, that the Directors ought, at their next meeting, to make it the subject of deliberate consideration.

"JOHN RUSS."

"*September* 5, 1831.

"The improvement in the preparation of the food, under the care of the matron, is very apparent. I am, however, by no means satisfied with the diet, established by the Directors; and believe it ought to undergo an entire revision; and should myself be in favor of substituting a bread composed wholly of bolted rye flour; believing it to be cheaper and more nutritious, as well as healthy. I have however, heretofore stated my views to the Directors, respecting a change of diet, and do not wish to repeat them.

"M. WELLES."

"*September* 17, 1831.

"Have this day been through the Prison, and found it in its usual good order. The health of the convicts, appears to be as good as could be expected at this season of the year; and can therefore see no satisfactory reason for a change of diet in whole or in part.

"S. H. HUNTINGTON."

"*September* 29, 1831.

"Examined the Prison in the usual manner. Find several in their cells and in the Hospital, complaining of sickness. On the subject of the established diet, I have nothing to add to what I have heretofore laid before the Directors. Whenever either of the other Directors shall think proper to call up the subject of revising it, I shall be (as I have often before stated) ready to vote in the affirmative. In my opinion, the men are not healthy, nor have they been so, upon the established diet; and the fact that substitutes have been adopted, without the written authority of the Board, convinces me, that the present regulation is not what it should be. The attempt to dispense with the printed Bye-Laws of the Institution, without the written consent of the Board by whom they were adopted, is in my judgment incorrect; and yet it is very apparent, that the actual diet does not compare with the established diet. I do not mean to say, the change is not proper in itself, but it should be made in conformity with written regulations. I observe that part of the diet is pea porridge, and yet I have not seen a pea about the prison for more than a year.

"M. WELLES."

"*Oct.* 6, 1831.

"I find a full supply of peas on hand, and that they have been used more or less, about a month past. The substitution of rice for potatoes I have always supposed was by the consent of the Directors, with the advice of the Physician. It was certainly done with my approbation.

"S. H. HUNTINGTON."

"*October* 19, 1831.

As it respects the supply of peas mentioned by the Director on the 6th inst., I find the facts to be these, that six tierces of peas were received at the Prison on the 8th day of September 1831, and the men were supplied for a few days. I further find upon inquiry of the Warden that he is not aware that any peas have been purchased for the Prison since November 1829, except the parcel above mentioned. The peas purchased in 1829 consisted of six tierces a part of which were damaged and the money refunded and these were all consumed in the winter and spring following. I cannot therefore ascertain from the Warden that he has ever purchased a pea since he has been in office, or that the men have had them in their porridge up to the 8th of September a period of about 17 months.

During all this period therefore the bye-law on this subject has not been complied with and I can find no trace or evidence of any written dispensation. I find that beans have generally been substituted and sometimes rice. I mean not to cast censure upon any one, but in my opinion the Directors are only competent to alter bye-laws and that alteration should be by the board and expressed in writing otherwise every thing is uncertain. The law of the State requires that these directions should be written and not verbal. As it respects the bedding the bye-law requires that each convict shall be supplied with two coarse cotton sheets. In my opinion both comfort and economy require that this order should be complied with.

"M. WELLES."

"*December* 2, 1831.

"I have this day made the usual examination of the various departments of the Prison. I find four in the Hospital and one in the cells complaining. The weather has been somewhat severe, and is still so, and I am of the opinion that the hall and night rooms are not sufficiently warmed either for the health or

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comfort of the prisoners. There is no stove erected in the female department for warming the night rooms, and the furnace or air heater does not operate as it ought to do and as it formerly has done. On conversation with the Deputy Warden he informs me it has not operated well during the present season. I hope the evil will be remedied speedily; I find the Warden is not at the Prison but has been absent since the 28th November.

"M. WELLES."

"*December* 7, 1831.

"As to the warmth of the hall, cells, workshops &c.; care should be taken that they are not *overheated*; the health of the convicts requires that a proper medium should be preserved, and from the observation I have this day made it appears to me that a temperature sufficiently high can be maintained in the cells with the present furnace without difficulty. Many are complaining of bad colds, but not more than I should expect considering the general prevalence of the influenza at this time.

"S. H. HUNTINGTON."

"*December* 24, 1831.

"I have visited the Prison this day and one other day this week. I observe that the furnace has been altered, and that a stove has been put up in the female department for warming the night rooms, and also one in the female Hospital. The furnace operates much better than before the alteration and I think with care the men may be made comfortable during this inclement season. I certainly have no fear that the hall around the night rooms will be *overheated* with the thermometer standing at zero. I think the contrast is too great between the temperature of the shops and that of the cells, and that many of the complaints of the men are to be attributed to this cause. I should prefer that the temperature of the hall should be raised higher than I have found it during this very severe weather. I concur with Mr. Russ that something more should be done in the cook room. It does not appear to me that the persons who are obliged to be there are comfortable. Perhaps an additional stove may be necessary.

"Since writing the foregoing I have discovered that the furnace is so placed as not to be capable of throwing into the hall a supply of external air and thus ventilating the Prison. This I very much regret. I think the alteration in its burning might have been made without altering its original position, and I also think that in its present position it ought to be so fixed as to throw in the external air. Ventilation is not less important than warmth and they are not incompatible. I now think that the great object of procuring the furnace is lost, viz. ventilation, and I hope the evil will be at once remedied.

"M. WELLES."

"*December* 31, 1831.

"Have this day made an examination of the Prison and find its condition satisfactory, the health of the convicts I should think unusually good considering the inclemency of the season. The temperature of the air in the different work shops as well as in the hall appears to me to be suitable and I cannot discover but the air is sufficiently pure. I have no doubt from my own experience but that the furnace will work better not to take the air to be heated from outside.

"S. H. HUNTINGTON."

Testimony Continued.

Alvan Talcott, M. D.—"I resided with Dr. Woodward for the purpose of seeing his practice and attending his patients with him; was with him from April to October 1830, and from March to August 1831.

"During this time I attended regularly upon the sick in the Prison with Dr. Woodward. Ferdinand was dead before I came. McCarty was sick, extremely low, was in the Hospital, was past all hope of recovery. He was not then in use of milk, but fresh fish was ordered, he was sometimes supplied with it, and sometimes was not, there was no difficulty in obtaining fish at that season, (April 1830.)

"Simons was sick of a glandular disease, was taken while I was at the Prison, was very sick and great care was thought necessary by the Physicians both in diet and medicine to raise him. Broth was ordered for him, and *good wheat bread* by Dr. Woodward. This direction was copied from the slate into the book of directions respecting food &c. The bread which was supplied under this order was very bad, was dark, sour and mouldy, not fit for any body. Simons did not, and could not eat it; the same identical piece appeared to be furnished him for several days, and *he complained that he had no other.* (This last testimony objected to and overruled.) At any rate I saw no other nor was any claim made that he had been furnished with any other. An entry was then made by Dr. Woodward's order in the same book, "*let Simons have better bread*"—or, "better bread than yesterday for Simons." On our next visit we were accosted by the Deputy Warden with extremely harsh and abusive language.—

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He said that if another such entry was made, it should be the last we should make, and we should not enter the Prison again (meaning Dr. Woodward and the assistant Physicians.) There are two books in the Hospital, one is a record of the symptoms and prescriptions in technical or medical language generally. The other contains the directions as to the food, medicine &c. for the nurse and officers and is accessible to all. The first is under lock and key in the Hospital and would be of little use to any but a Physician. The above directions were in the second book. Simons died in two or three weeks after this entry was made. In the case of McCarty A. P. made quite light of his disease, said it was not fatal, he would be well soon enough if he was out of Prison. (McCarty was then petitioning for a pardon which was granted.) He was at that time throwing up large quantities of purulent matter, was unable to raise or assist himself and died soon after. I am confident he was not supplied with food as he should have been or according to the directions. A convict by the name of Smith was called down from his cell to be examined, he seemed to be sick. After he was examined Dr. Woodward told him he might go back to his cell. He said he wanted to go home. Pilsbury then seized him by the throat and choked him, threw him down upon the brick pavement with great violence and was in a great passion, held him there by the throat and occasionally lifted up his head and thrust or jammed it down again upon the pavement. Smith was a pale and feeble man much emaciated. He was called down that the Physicians might examine whether he was crazy or not.

Cross Examined.—"Simons when quite sick was for sometime destitute of the medicine which had been ordered. In one instance he was destitute of his medicine for four or five days, no reason assigned. The medicine was of immediate necessity. Smith was decidedly inferior in strength to Pilsbury, kept his position but was in no attitude of resistance. Pilsbury took him by the throat and threw him down, as I have stated, I believe Smith then attempted to extricate himself. Smith was bruised on his neck and throat, bruises were occasioned by Pilsbury, throat was black and blue, marks of fingers were visible for a day or two. It was the opinion of the Physician he was not crazy. In the case of the bread I told Deputy Warden the entry was made by direction of Dr. Woodward; he said if he made another such order he should not again enter the Prison or words to that effect, he said that the bread was good enough, no necessity for such an order.—Both orders were entered in the same book, in which the directions are usually entered. The first order "*let him have good wheat bread*" was not complained of. The second direction "*let him have better bread*" was complained of and was the occasion of much heat and passion on the part of the officers.

John W. Granniss.—"I was present at a meeting of the Directors, (Messrs. Russ, Welles and Huntington;) and Mr. Pilsbury, Oct. 18, 1831. I heard Mr. Welles read to the others a paper; the same which is now exhibited to the Committee, marked J. Q. W.; I also heard him read all the documents, mentioned in that paper; viz. a certificate from Dr. Woodward, one from Dr. Salter, one from Mr. Obear, and one from Mr. Morrison; all setting forth the treatment of Amos Pilsbury to the prisoners. At that time I heard Mr. Pilsbury admit that the communication to Dr. Woodward and Dr. Talcott, respecting the entry about the bread, was made by his direction; this is my impression. I was, during the spring or summer of 1831, in the shoe shop of the prison; being at that time one of the contractors, who employed the shoe makers; and saw a prisoner come up to the overseer, and heard him complain that he was sick, and unable to work; the overseer reported him to the Deputy Warden, Purdy; that he might see the Physician.—Purdy immediately came up, and struck him with considerable violence upon the side of the head; it was a pretty severe blow, and told him to go to work. From the whole appearance of the prisoner, I judged he was sick; he looked sick.

B. D. Buck.—"In the spring of 1830, I was in the guard room of the Prison, conversing with Mr. Pilsbury; some one carried through a plate of beef steak for the Hospital. I enquired what are you going to do with that. Mr. Pilsbury said, 'the Doctor has got a man in the Hospital fatting; a man who is "playing the old soldier," and who ought to be at work.' I think he said his name was McCarty. He was pardoned by the Legislature soon after this conversation, and died in a short time. I saw him when he was brought down from the Hospital, and they were removing him

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from the Prison to a neighboring house; he appeared in the last stages of life. I should say it was not a month previous to the time when I saw them removing him, that I heard Mr. Pilsbury say, that he was deceiving the Physician, and that the Doctor had him shut up fatting. It was about this time that I heard Amos Pilsbury speaking of the Bye-Laws and hospital regulations; he appeared to be much displeased, and said he should comply with them so far as he thought fit, and no further. My impression is that they had just been received in a printed form."

Zachariah Larkin.—"McCarty was taken from the Prison to my house, when I went for him; which was a short time after he was pardoned; he appeared very low; and I said to Amos Pilsbury, he cannot stand it long, he is very low. Poh! said Mr. Pilsbury, he will be back here again in three months, and have half a dozen wives yet. It required four men to carry him from the Prison. Judge Welles applied to me to take care of him; and said the Directors would see that I was compensated. Mr. Pilsbury paid me by order of the Directors. He could not raise himself, or walk a step, when I took him from the Hospital. It seemed impossible that any one who saw him, should think he could recover. He died in about four weeks from the time he was removed from the Prison. McCarty had done overwork, and said to Amos Pilsbury, it is hard for the State to wrong me out of my overwork. When I was in health I did overwork, and when I was sick you charged me with short work, and deducted it from my overwork. Mr. Pilsbury said to him 'well, I can't give you any more.' I have often seen prisoners alone, a mile or more from the Prison; one at a time; Champlin, Colton, Hopkins, and others; they have been at my house, and past it very frequently.' It was a common occurrence. These men were employed as domestics in the family of the Warden."

Manna Woodhouse.—"I was one of the contractors for building the new cells at the prison, in 1830; and was there very constantly for several months. Charles Clap was partner and joint contractor with me in the job. We had occasion to hire some of the prisoners, of Mr. Pilsbury, as laborers and tenders of Masons; there were from 4 to 6 hands. Clap soon began to complain that the men did not work, and to find fault with them. Prisoners said they were hungry and starved, and could not work. My partner, Clap, and Pilsbury, had several disputes and altercations, respecting their being unable to labor. Clap said they were hungry, and could not work; or could not do a day's work. Pilsbury said, then hire other men if you will. I thought myself, that the men were feeble and faint. We sometimes brought them up food from our houses, which they ate in the most ravenous manner; appeared to be very hungry.

"They seemed willing to work, but appeared after a short time to fail, and be exhausted. When we supplied them with a sufficiency of food, they worked well.—Three of our men were very feeble, and did not do the work of one good man. I cannot say, that they did not have the rations allowed by law, for I did not see them weighed. They however appeared very small. They were also unequally distributed. Some cans were well filled; some were half full, and some not a quarter full. Perhaps *our* men had small allowances. There was however a great difference in quantity. There seemed to be no rule in apportioning the food. It seemed to be all guess-work. I have seen the convicts roast potatoes in slacking lime, and also cook the entrails of beasts in the same place, and eat them. They took hold of every thing which came in their way; and appeared to be extremely hungry; even ravenous. Our workmen often furnished them with food."

Cross-Examined.—"Saw one of the convicts eating the guts roasted in the lime. Have seen the convicts fill their pockets with potatoe-skins, and eat them. The prisoners complained, from first to last, of hunger; and I have no doubt they were weak from that cause. Mr. Clap was constantly complaining of the convicts' want of food, and consequent inability to labor, and at first declined paying Mr. P. the price agreed upon on that account; had a dispute with him."

Christopher Huntington.—"In the year 1830, I was in the employment of William Whiting, who hired the convict shoemakers by the day. I went to the State Prison about the 1st of April, and took the place of an overseer, who was absent about a fortnight. The day that I came into the shop, I found three or four men very sick. I reported them as sick to Amos Pilsbury.—They went into the prison, and two of them were soon sent back to work. These men had done no work for several days, as appeared by the shop-book. In passing down the shoe shop among the men, I perceived that these men were sick. One of them

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trembled very much and groaned. The prisoners constantly complained to me of hunger, and the rations seemed to be a very small allowance. I have seen them pass potatoe-skins from one to another, and eat them. I have seen them scuffling together at the swill barrel, to get the stuff which was found there. I have seen them put it into their pockets, and also eat it. From all these circumstances, as well as from their appearance, I judged that they suffered from hunger. After their meals they would work an hour, with some ambition, but after that appeared to be faint and weary. I was there about three times a week, till the 26th of November, when our contract expired. In the month of August ten or fifteen hands were sick, in the shoe shop. I sent a man to get some water. It smelt like putrid clams or bilge water. I could not drink it. It was very offensive. When the new well was dug, and good water was furnished, the men recovered so as to be able to labor again. There were about 15 absent from the shop, sick. From the appearance of the men, and the work they did, I judged that they were not capable of performing a man's day's-work. It was more than a month after I saw this stinking water, before a new well was dug, during all which time the prisoners had no other water but this, except rain water caught in a beef barrel at the corner of the shop. The prisoners used to put tar into the water buckets, to disguise the taste. Told Mr. Obear, the overseer of the shoe shop, to give them all the tar they wanted, as we had plenty of it there, intended for the use of the shoe shop. In April I saw Mitchell in his cell very sick. Sometimes unlocked the door where he was. Saw noggin of cold hasty pudding, and one of water at the door of his cell. He was so weak as to be unable to get it. I offered to set it up to him, but he said he could not eat it. He could hardly speak so as to be understood. Never saw any thing else in his cell. He had no medicine, and but one blanket. I saw the beef furnished the prisoners. It smelt bad, and appeared to be tainted, and unfit to be eaten. I also saw some of it in the cook shop before it was boiled, which also smelt bad. The prisoners requested me to speak to Mr. Pilsbury on the subject, and have the evil remedied. I spoke to him, but there was no alteration.

Cross-Examination.—"I should think the sickness continued two or three weeks in August or September, 1830. There were more or less sick all the while till good water was furnished. I mentioned to Mr. Obear, the overseer, the sickness and its cause. There were in the swill-barrel, dish-water, potatoe-skins, and bones; such as are usually given to swine. I mentioned these facts to Mr. Whiting, at the time, and have a distinct recollection of them."

John Tuller.—"I went to the Prison the 4th day of October, 1827; (about the time the prison commenced,) as a watchman or guard; have been there eversince; and am still there in that capacity.

"I have known fuel which belonged to the state, to be taken for the use of the Warden's family, from the commencement of the Prison down to last fall, or sometime in the winter; such as the blocks, ends of staves, pieces of heading, hewings from staves and heading, and butts of hoops, &c. from the coopers shop; pieces of plank, boards, hewings from spokes, hubs, fellies, &c. in the carpenter's shop; where the business of making carts and wagons, was carried on extensively; also the parts of the scaffolding which was used in building the additional prison buildings; sometimes more and sometimes less; but I have no doubt that what was taken, was more than sufficient for the constant supply of one fire through the year. In the mean time wood was purchased for the use of the Prison cook room; although it was in part supplied from the several shops, in the same manner that the Warden supplied his own fire from the shops by means of the hewings, pieces, &c. This fuel was taken by the Warden's waiter, and carried in baskets into the house, and burnt; some in the family kitchen, and some in the sitting rooms up stairs. Fuel was also taken from the rear of the yard outside, and wheeled round to the place where the Warden kept the wood, which was his private property, and kept for his family use. This last mentioned fuel, which was carried round outside, consisted of the scaffolding; such as long heavy poles, broken and split planks, boards; and there was a large, irregular pile of it; which was cut and sawed by the prisoners. I should say that we carried round, what was equal to 12 or 14 cords of this kind of fuel.

"This was consumed in the family kitchen, not much of any in the office, there was other wood for the office. The time when we carried this kind of fuel round to the family kitchen was in the fall of 1831, perhaps we finished carrying it round by

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about the 1st January 1832. The Chaplain also was supplied with wood for his room from the Prison stores. Chaplain at different times requested me to have wood carried up to his room. It was done. A. P. told me not to carry much as he had enough there. At this time and for some time previous I had the charge of the out door business, and of the prisoners who are called out door hands. M. C. P. had about twenty-two persons in his family; A. P. about eighteen. The guard all boarded with Warden, most of the overseers of shops, Deputy Warden and wife generally, and Chaplain. We paid two dollars a week for our board to the Captain, or rather perhaps the State paid it, it was deducted from our wages. During the first winter M. C. P. employed one male and one female convict in his family and occasionally an additional female to help wash; at first the waiter was not constantly employed in the family, but devoted most of his time to them. After this, there were two female convicts in the kitchen constantly, and part of the time two males one male all the time.

"Thirza Mansfield was one of the female convicts employed in the kitchen, (convicted of murder of her husband, but punishment changed to imprisonment for life.) While she was thus employed she left the Prison one evening in March, and escaped as far as Hartford, when she was taken and brought back.

A. P. employed two females a part of the time, and one man a great part of the time, had no other assistance but convicts until June 1831. At this time there was some newspaper publication respecting him, and the female that he had in his kitchen was, I think, the next day sent into the matrons department. It is barely possible that he may have hired a woman for a very short time in 1830, though I have no remembrance of it, and do not think he did. Our beds and bedding were supplied by the State, and the convicts did the washing. In June 1831, Mr. P. hired a woman. The convicts who were employed as domestics by Mr. P. were no more confined to hard labor than any other domestics in a private family. They were outside the walls and not under the eye of any officer, and associated together, males and females in the Captains kitchen as other help would. The males were at night locked in their cells; the females slept in the dwelling house. The male convicts used to be sent of errands around the town; I have seen them in the street by Mr. Buck's more than half a mile from the Prison; I have also known them to be absent from the Prison a half day together, with no person with them. I have also been sent to Hartford in a boat, with four convicts, and once with five, in 1830.

"I have frequently known bread brought from the Prison cook room and consumed by the family, from six to eight pounds at once. Some of the family liked this bread; it was brown bread, and appeared like the Prison bread, and to be identically the same with it. After A. P. was appointed Warden, I have seen Indian meal, beans and potatoes taken for family use.

"The meal was brought into the house from the Prison store room in the yard; was taken from the casks there without weight or measure, usually in tin pans, not always. I never knew Mr. Pilsbury to purchase any meal for his own use until after the cooking was done by the matron, though I cannot say he has not done so. We had upon our table food prepared from meal usually once a week, sometimes twice or three times a week. Have myself brought the meal in at the request of the family from the Prison. Beans were taken in the same manner from the State stores and brought into the house. I have often brought in beans myself at the request of family. I observed we generally had beans upon our table after they were thus brought in from the Prison store room. Potatoes were taken for the use of the family from the bin owned by the State. It was accessible to the Wardens family. I discovered that the largest and fairest potatoes were selected out and the small ones left over that part of the bin which could be most easily reached. Have known the servants take from the State bin, for the use of the family a number of times; should think from fifteen to twenty bushels. Both the Wardens, father and *son*, kept two hogs and the State two; *all* four were together, and were fed together from the wash of the Prison and family kitchens until it was time to give them meal, they were then fattened entirely upon the meal purchased for the prisoners or State's meal. In the spring of 1831, I was directed to take charge of the out door business, and continued to do so for fifteen or sixteen months, and I therefore had charge of feeding the hogs. I know that the hogs were fatted on the meal from public stores, it was not weighed but carried out in casks as it was wanted. They were fed from this

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meal by the direction of A. P. I mentioned these facts respecting the taking the meal, beans and fuel, some time last fall or winter to Mr. Samuel H. Huntington one of the Directors. It was in a conversation which he wished to be confidential, which he had with me respecting the Prison affairs. He told me that the salary of the Warden was $800 per annum, and that he was entitled to the use of a house, garden, and pasturage for cow, and hay and grass for the horse, that he was allowed no perquisites or privileges whatever beside. After I had mentioned these facts, he expressed considerable surprise and said he would not favor or countenance Mr. Pilsbury in doing wrong more than another man. He asked me if I had told Judge Welles these facts. I told him I had not. He then desired me not to tell him. The horse was also supplied with meal and potatoes, from Prison stores. The convicts, several in number, have been employed in wheeling up wood from the river for M. C. P. and also for A. P's private use, they also sawed and split it up for them. The garden for the family was entirely cultivated by the convicts unless some of the guard might do a turn in it for exercise; was a large garden used exclusively for the family.

" Early in the spring of 1829, and in the fore part of the summer before the sickness, the prisoners would take crusts, pieces of meat, potatoes &c. from the swill pail and eat them constantly, they took the mere food of swine, and what ought to have been given to them; I should have prevented this but the men appeared more hungry than the swine. I think they suffered from hunger at that time more than ever before or since. They have not appeared as hungry since the cooking was done by the matron, and the rations weighed out by her. Before that, the rations appeared to be small as I saw them in the kids or vessels. I heard some complaints of the quality; as to the quantity I heard a great deal of complaint from the commencement of the Prison up to the time when the bye-laws were adopted which required the rations to to be weighed out under oath. The men were constantly complaining of hunger. I had nothing to do with the rations, I always thought the rations established by the Directors were sufficient, but should doubt whether the prisoners had them."

Cross Examined—" Botsford complained of sickness for some days. His limbs and bowels very much swollen, not able to labor. I saw what his condition was, no one could help seeing it. The wood used for fuel in the Wardens family was the ends of timber, hewings &c., some small pieces, some larger, pieces of plank, heading staves and hoops. Some were burnt in the kitchen, some up stairs in the sitting room. Some pieces of plank and boards and poles from ten to fifteen feet long were cut up and burnt in Pilsbury's kitchen and office. Cant say precisely how much. Posts and rails &c. were used up by Pilsbury. Elisha Root is one of the prisoners who used to bring the wood into the house.

" Cooking for males and females was done in the Prison kitchen. At one time Mrs. Pilsbury sent for meal and said " I will make you a pudding," speaking to one of the guard. My understanding was that all the cooking was done in the Prison cook room for the sick and well after the Hospital regulation in October 1829, previous to that the sick had been supplied from Capt. Pilsbury's family and charged to the State at a dollar a week each. I know of no depredations upon the meal and beans after the cooking was removed to the west end under the care of the matron in May 1831, these articles were then under her care.

" I do not know that any of the chips, shavings or refuse fuel was thrown into the Cove. I do not think it was, for we were frequently destitute of enough to burn in the Prison cook room. We were obliged to take light shavings. There were twenty or thirty men at work at the various kinds of wood work, half a dozen coopers, as many at chair frames.

" The State had one cow and Pilsbury had one; the State's cow fed with potatoes.

" Judge Welles was often at the Prison and might have seen the convicts work for Capt. Pilsbury, I had however no reason to suppose he approved of it. Judge Russ was there occasionally. Doctor Peters not so often. I never saw Mr. Pilsbury misuse a prisoner; when I say misuse I mean to confine myself to personal violence. I never saw him strike them. I do not speak of his treatment of the sick, or of the bad water, or scanty food.

" It was extremely cold last winter in the hall, very disagreeable indeed, colder than ever before, and our fires not as good a part of the time. I saw no ice though it may have frozen without my seeing it. I had to dress very warm. Wore three coats. Some of the watchmen wrapped bed blank-

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ets around them. We were obliged to exercise constantly to keep warm."

"The windows in the day time were thrown open during the winter, to ventilate the room; the air was very impure; not fit to breathe; made some of the Watchmen sick. While the furnace threw in air from outside, the air was very good; the room appeared to be well ventilated. After this supply was cut off by the removal of the furnace, it was sickening; was what might be expected from 170 men in one room, with all their buckets with them. Prisoners complained of cold, constantly; their clothing was thin, and worn out. Dress the same in winter and summer. Blankets were thin and poor. I have not the least doubt the prisoners must have suffered greatly from cold, particularly those who were in the cells in the day time. Had a conversation with Judge Welles, two or three days before I went to New Haven. He said he did not know but I should be wanted as a witness. I went to New Haven, and was sworn as a witness. Believe I swore to the facts there, which I have now stated; do not recollect any difference. Just before Mr. Pilsbury left the Prison, Mr. Shepard as counsel for Mr. P. called at the Prison, and wished me to state facts to him, and had pen, ink, and paper, before him; and as I supposed, wished to take down what I had to say; I declined answering, unless called upon as a witness. The family of Mr. Pilsbury continued to be supplied with fuel from State stores, up to about January, 1832; and for as much as eight months after the cooking and washing was done in the female department, under the care of the matron."*

Thomas W. Stevens.—"I was a watchman at the Prison, from the 8th of April, 1828, for nearly one year. I went there again in September, 1830; and staid until the 12th of April, 1831. I did not take much notice of the food at first. I have seen the prisoners at the swill tub, at various times, picking out and eating the food. I have heard the prisoners complain of hunger. The rations looked very small, and I did not think them sufficient. I noticed that their meat ration would not weigh more than three or four ounces. It was not sufficient; the well water was very bad. The prisoners would suffer from thirst before they would drink it. The family well supplied better water, and was within a few feet of the Prison. At the time of the short rations, the men appeared wan and emaciated. I have seen beans brought in for the family from the State stores, as often as once a week. Meal also was brought in often for the family from the same place.

"Neither were measured. The meal was made into puddings for the use of the family. The same provisions were furnished for both tables; that is for the family of Mr. P. and for the guard.

The beans were generally cooked in the Prison cook room, for family use. Never saw any beans or meal about the Prison, belonging to Mr. Pilsbury.

"We had puddings generally once a week; sometimes oftener.

"The cooking for the females as well as the males was done in the Prison cook room. I did not drink of the water after I returned the last time. The new well was dug soon after."

Samuel Colby.—"I came to the prison as a watchman, in 1829; and left in April, 1830. Came again in 1831, and I have remained there until the present time.

"I have often seen Slocum, a convict, pass from the yard through the guard room, with beans and meal to the family apartments.

"A few days after I returned the second time, the beans and meal were placed under the care of the matron, in the other part of the building. I have seen the chips and hewings, and pieces which were left from cart spokes, and fellies, staves and heading, and chair-stuff carried from the carpenter's and cooper's shops, through the guard room into the family apartment.

"Much fuel was collected in these shops; much more than enough to supply

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* As the treatment received by Mr Tuller, while on the stand testifying, was unusual, if not unbecoming, the subjoined certificate has been furnished. It is signed by the neighbors, and acquaintance of Mr. Tuller; who are well known, and highly esteemed throughout this county and State.

"We, the subscribers, have been personally acquainted with Mr. John Tuller, of Simsbury, twenty years; and some of us for a longer time;—and we certify that he is a man of truth and veracity; and that implicit credit is to be given to his assertions.

"Simsbury, October 7th, 1833.

"BENJAMIN ELY.	"WILLIAM MATHER.	"MOSES ENSIGN.
"JEFFERY O. PHELPS.	"GUY R. PHELPS.	"GEORGE CORNISH.
"WILLIAM MATHER, Jr.	"JOHN O. PETTIBONE.	"DOSITHEUS HUMPHREY.
"AVERIT WILCOX.	"VIRGIL PETTIBONE.	"E. PHELPS."

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one fire. The rations in 1829 were small. They were insufficient for laboring men. I thought the prisoners were in want of more food; generally thin in flesh.

"When I returned the second time, the rations were a great deal better. I inquired if there had been any addition made; and learnt that there had been no legal additions by the directors; that the established rations were the same they had been. The matron had just then began to cook. The rations when I first went there, appeared much less than the same rations under the matron. Some rations were better than others. Perhaps they did not *generally* fall short more than a fifth. Some of them were still smaller. There was *partiality in the distribution of the rations.* The men in the carpenter's and smith's shops, received larger rations than the others. The men in those shops were at work directly for the State, and were not let out to contractors, by the day, to my knowledge. *Sometimes after the rations had been set in the cells, I compared them, and found that those in the lower tier of cells, were better than those in the upper.*

"This was before the matron took charge of cooking; there is no apparent difference in the rations since.

"I have seen extra rations put into the cell of a prisoner, who worked in the carpenter's shop, by John Pilsbury.

"The rations under the matron are not more than sufficient for the comfortable subsistence of the prisoners; a less quantity would be insufficient. When I first saw Botsford, he had the appearance of a sick man; dull and dejected countenance;—swollen; walked up stairs with great difficulty; bowels greatly swelled; so much so, that he could not button the waistband of his pantaloons; obviously, a painful effort to walk up stairs. He appeared to me to be very sick. I saw him once or twice a week. Two or three weeks before he died I made these observations. Soon after I went there, the prisoners were noisy in their cells, for want of food; throwing down their kids and making disturbance. Mr. Pilsbury enquired what was the reason for making such a noise. Some one replied "we are hungry, or starving, and want more to eat." Mr. Pilsbury replied "shut up your head; don't let me hear any more." I have seen the prisoners struggle with, and push each other, to get at potatoe skins. Nichols had extra rations supplied by the Deputy Warden. He also had cotton sheets in his cell. No other prisoner was allowed them.

"The food which is left in the kids by the prisoners, is called *Grub.* Powell, the waiter, who is a prisoner, had the privilege of putting this grub, or extra provisions into the cells of certain prisoners. I heard Purdy, the Deputy Warden say, that Powell had fed Sargeant with grub, and that Sargeant had given him a dollar for it; said that Powell received considerable from prisoners. Powell had considerable money to carry away when he went out, which he received from the prisoners, or by their direction. This was in June, 1832. I told Purdy I did not see the propriety of allowing Powell to speculate upon the other prisoners, in the grub, in this way, and that Sargeant had complained that he did not think it right for Powell to take the prisoners money. Purdy said that Powell had fed Sargeant, and that Sargeant had lied in denying it. Said, might as well let the prisoners have it, as to throw it away.—This selling or distributing the grub, has only been practiced since the cooking has been done by the matron. Before that time, when I was here in 1829, there were no provisions left; every thing was eat up, and the prisoners struggled with each other to get the skins of potatoes, &c.

"Some of the Directors were frequently at the Prison. Judge Welles there, more frequently than the others. I saw him only in the yard. I have myself carried food from one cell to another, at the request of the prisoners. I have often taken food from the lower cells to the upper tier; never from the upper to the lower, except perhaps in a single instance. The air last winter in the hall and cells, was considerably cold. Fires used to be built up before the prisoners came in at night. In very cold weather, I have sometimes found the fire in the large stove extinguished; and could not revive it. This would sometimes occur in the middle watch of the night. I did not think that the prisoners would be very uncomfortable in their cells, because I thought that the cells might be warmer than the area; though I have no evidence that they were so. There was a current of air constantly passing through each cell. Windows were frequently open in cold weather; while the prisoners were in their cells. I think those in the cells in the day time, must then have suffered from cold. The air in the hall towards morning became very bad and disagreeable. I have had sick turns

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come over me soon after going in to take my turn on guard. The air was so bad, it made me sick at the stomach, and brought on a violent relax.

"I have been compelled to raise a window to get pure air to breathe. This was not the case when the external air was received through the furnace.

"The convicts were employed in the family of the Warden. Two females about the kitchen, and one male. I have seen this male convict out of the prison, and in the street. They were in the habit of giving them two meals, only on the Sabbath. I have seen water congealed in the hall, and about the galleries, when they were distributing water to the convicts, and about the windows where the rain had beat in."

B. D. Buck.—"Live half a mile north of the Prison. Have often seen the prisoners at large, and round the streets without a keeper. Have seen Champlain, Colton and Hopkins, who were waiters of Mr. P., about the town, and above my house. It was a common occurrence. There was also a young prisoner, who used to come to my house on errands for Mr. P.. Have often seen the prisoners go by my house unattended by any person; was often at the Prison; have seen the fuel from the workshops on the fire up stairs, in the sitting room; and also on the fire in the third story, in a room occupied by Mr. Pilsbury's mother. It consisted of the ends of hoop poles; hewings, and ends of staves and heading; was an excellent fuel."

Josiah A. Obear.—"I went to the Prison in April, 1830; and staid seven months; was overseer of the shoe shop. In the latter part of the summer, the water was extremely bad, and continued so for several weeks, as long as we used it from the same well. It was as bad as bilge water; very offensive to the taste and smell. I had tar in my shop, and I used to put a quantity, perhaps a pint, into a bucket of water, and stir it up to disguise the taste and smell. I frequently asked the Deputy Warden for better water. He said, no better could be furnished; it was against Captain Pilsbury's orders. I then spoke to Mr. Pilsbury for better water for my men; told him they could not drink the water; it was not fit to drink. He said the water had before been bad in former years, and would after a while be better toward the cold weather. Spoke of the drain which led from the cellar under the cook room, in which the beef, &c. was kept, and which passed within a few feet of the well, as perhaps being the cause of the bad water. I often urged for permission to take the water from the well in the house; but was refused, except what I wished for my own drink. I asked if the teams, of which there were several yokes employed at the Prison, and owned by the State, could not draw up water from the cove, which was a few rods off. He said no.—"*The prisoners should drink the water from the well.*" He said I might send to the house, and get better water for myself. No person could have drank this water, without being compelled by extreme thirst. I put a beef barrel under the spout, and caught it full of rain water, which my men drank.

"The men had become sick, in consequence as I believed, of drinking the bad water. I mentioned to Dr. Woodward the bad quality of the water. I saw him taste it the next day, or next but one; he could not drink it; he gagged. I soon after saw Judge Welles try the water. I judged from his appearance and actions, that he found it very offensive. In a short time after Judge Welles tasted the water, I saw him with Mr. Pilsbury, measuring off for a new well; and soon after five or six men began to dig the new well; it was within a few feet of my shop door, and in plain sight; they began to dig soon after dinner, and soon came to water; and the next day before night the well was nearly or quite stoned up; the water was good, and the men who had been unwell soon got better. Saw Judge Welles in the yard while the well was digging. I do not know who ordered the well to be dug, as I did not hear the conversation. I only know it was but a very short time after I saw Judge Welles taste the water, before measures were taken for a new well. I told the Deputy that I was willing to furnish men from my shop without expense to the State, either to clear out the old well, or dig a new one. Often spoke to Mr. P. about the water, both before and after he went to New York. He knew the quality of the water, and the complaints of the men, as well as I did. The water was bad for many weeks; can't say how long exactly. The well was dug some time after Pilsbury returned from New York; can't tell precisely when. During the latter part of the summer, the prisoners were kept on bad beef, from three to four weeks. Saw some of the beef in my shop, soon after it was cooked; and while yet warm it was brought in, and shewed me by a prisoner; was very *offensive; was putrid, rotten, wholly unfit*

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to eat. I shewed this beef to Mr. Pilsbury; beef continued to be bad afterwards; not every day; but occasionally. Appeared angry when I shewed it to him, and intimated it was no concern of mine. I reminded him that my men were hired by the day, and could not work on such provisions; that they ought to have food they could eat. Judge Welles was at the Prison frequently while the building was going on, and appeared to take the charge of it. Mr. Huntington has seen and conversed with me, and I told him fully about the bad beef and bad water."

Thomas Havens.—"During the latter part of the summer and in the fall of 1827, I worked at the Prison, as a carpenter on the east range of shops, and superintended the erection. In 1828, I worked on the west range of shops, having contracted to do the carpenters work. I have noticed the the rations and the water. I thought the quantity of the rations varied at different times, more on some days than on others; and also an inequality in the rations on the same day, some dishes were fuller than others, some men had more than others.—Sometimes the allowance appeared to me, to be insufficient for laboring men. The men used to ask me for what was left of my dinner. In 1830, I worked at the Prison, out side of the yard, and contracted for the carpenters work of the additional buildings. The prisoners appeared hungry. They complained of hunger whenever they had opportunity, I have no doubt they were extremely hungry. Judge Welles was frequently at the Prison while the addition to the Prison building was erecting. He appeared to have the entire charge. I never knew him speak to a prisoner."

Question by Mr. Pilsbury's Counsel.—"What have you heard Mr. Welles say concerning the management of the Prison under Amos Pillsbury?"

[This question was objected to by the Counsel for the State, upon the ground that the object of this investigation was to ascertain the *real condition* of the Prison, and not what was thought or said of it by Mr. Welles or any other individual. He was neither a party or a witness, and had no other connection with the investigation than any other individual, except that he had laid before the Legislature in writing certain information which he had received, without vouching for its truth, and refused to certify that in his opinion Mr. Pilsbury was a humane and honest man until these facts were examined into. His official acts we do not object to, but his conversation cannot help us forward in ascertaining the condition of the Prison. He may have been himself ignorant or deceived at the time the remarks were made. The Committee overruled the objection, and the question was put]

Answer. "I have never heard Mr. Welles say any thing in favor of the administration since Mr. A. P. took charge of the Prison. I do not remember that I ever heard him express any opinion respecting A. P. certainly none in his favor. In the latter part of the summer of 1827, soon after the elder Pilsbury took charge of the men, Judge Welles was conversing with me respecting the new Warden, and spoke of him in high terms. He asked me if I supposed that there was any person better fitted for that business than Mr. Pilsbury the father. I have also heard M. C. P. the father speak in the highest terms of Mr. Welles, said he was just such a man as he wanted for Director, was the best and most thorough man he had ever known for such a situation.

"I was a great deal at the Prison, I know that Judge Welles was very active in its concerns and indefatigable in building up the institution and promoting its interests."

[The Commitee here interposed. They said it was unnecessary for Mr. Welles to examine any witnesses to prove what his labors and services had been at the Connecticut State Prison. The nature and extent and value of these services in the construction of that Prison, and in its organization and subsequent management were too well known to the Committee and the public to require any proof.

One of the Counsel here observed that the only object in exhibiting this testimony was to rebut the insinuations and imputations against Mr. Welles which as the Committee must have noticed one of the Counsel for Mr. Pilsbury had continued to throw out from the very commencement of the investigation.]

William A. Havens—"I assisted in building the west range of shops in the fall of 1828, I saw the prisoners when they came out of their cells pick up potatoe skins and fragments which were left. Many of them acted as if they were starved. I also assisted in building the addition to the Prison in 1830. The prisoners seemed very hungry. They complained of hunger. I saw their rations at a distance, saw them put potatoe skins in their pockets. They were very fierce to get them."

Edward L. Brown recalled.—"I had not time to go through with all the accounts. I however went through with several distinct accounts, such as the provision account, chair shop account, and some others, I took them off from the day book, and then compared them with the Ledger until I am satisfied of their correctness. I ascer-

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tained how much provision had been purchased in each year from the commencement to March 31, 1832, how much on hand at the end of the year; the quantity of potatoes raised was ascertained from the information of one of the guard, the number of men from the Warden's annual Reports. The annexed statements are in my hand writing, and were made out by me from these sources, and are correct, every thing was taken from Prison books except the quantity of potatoes raised. I also footed the entries of the chair account.

[Statements marked (J. Q. W.) presented to the Committe being those referred to by this witness.]

Provision Account.

Provisions purchased & consumed from Oct. 1, 1827 to March 31, 1828,—six months.				Regular Rations for 93 men for six months.		Deficiency.	
Beef.		Potatoes		Beef.	Potatoes	Beef.	Potat's.
15,056¾ lbs.		Purch'd	831 bush.	Lbs.	Bush.	Lbs.	Bush.
Shrinkage* 903	"	Raised					
Product 14,153	"		831 "	16,972½	831	2819	
From March 31, 1828. to March 31, 1829.				116 Men.			
32,899 lbs.		Purch'd	1,092 bush.				
Shrinkage 1,974	"	Raised	400 "				
Product 30,925			1,492	42,340	2,117	11415	625
From March 31, 1829, to March 31, 1830.				150 Men.			
48,512½ lbs.		Purch'd	783 bush.				
Shrinkage 2,911	"	Raised	850 "				
45,601	"		1633	54,750	2,737	9,149	1,104
From March 31, 1830, to March 31, 1831.				175 Men.			
65,092¼ lbs.		Purch'd	1696 bush.				
Shrinkage 3,906	"	Raised	300 "				
Product 61,186¼			1996	63,875	3,193¾	2688¾	1197¾

*Shrinkage on Beef is calculated at 6 per cent.

Rations delivered by the Matron from 1831 to 1832. 187 prisoners.

Beef	60,486 Pounds,
Bread	73,734 do,
Potatoes	2,718½ Bushels,
Meal	10.027 Pounds
Beans	4,563 Quarts,
Pease	1,555 do.
Rice	4,431 Pounds
Pork	2,621 do.
Fish	2,752 do.

Articles charged as Rations on the Warden's Book.

Beef	62,401 Pounds,
Pork	2,200 do.
Fish	4,059 do.
Rice	3,960 do.
Potatoes	2,845 Bushels,
Meal	65,699 Pounds,
Beans & Peas	139½ Bushels.

The Matron states that one pound of meal makes two pounds of bread, 73,734 pounds of bread would require meal 36,867 pounds

Porridge - - - 10,027 do.

46,894

65,699 lbs. amount charged,
46,894 " do. required,

18,805 " Being amount of eighteen thousand, eight hundred and five pounds in the hands of the Warden unaccounted for.

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[The other statements are omitted on account of their length. They present every article of provisions purchased for the Prison from October 1, 1827, the day of its commencement, to April 1. 1832 as taken from the *Prison Books.*

The footings only are given and shew the following additional articles to have been purchased, viz.

From October 1, 1827, to April 1, 1828, Indian meal, 13,880 pounds; Rye meal 3726 pounds; Peas or Beans 31 3-4 bushels; Rice, none.

From April 1, 1828, to April 1, 1829, Indian meal, 24,356 pounds; Rye meal 8,859 pounds; Peas or Beans 56 bushels; Rice, none.

From April 1, 1829, to April 1, 1830, Indian meal 42, 507 pounds; Rye meal 9,367 pounds; Peas or Beans, 114 bushels; Rice, 3,174 pounds.

From April 1, 1830, to April 1, 1831, Indian meal 49,862 pounds; Rye meal 10,969, pounds; Peas or Beans, 79 1-4 bushels; Rice, 3,567 pounds.*

* From the foregoing statements, and the data they furnish, the following calculation has been made showing the quantity of food received, by *each prisoner during the year* supposing that all which was purchased and charged, had been delivered to the men.

Date.	Beef.	Potatoes.	Indian meal.	Rye meal.	Peas or Beans.	Rice.
To April 1, 1828, 6 mos.	153 lbs. 306 per year.	9 Bush. 18 per year.	149 lbs. 298 per year.	40 lbs. 80 per year.	11 qts. 22 per year.	none
" " " 1829, 1 year,	266	13	210	76	15	none.
" " " 1830, 1 year,	304	11	283	62	24	21
" " " 1831, 1 year,	350	11	285	63	14	20

The matron took charge of the rations in 1831, and no complaint has since been heard.

The ration per man established by the Directors, as appears from their Report of 1828 is, per day, one pound of beef, one pound of bread, 1-20th bushel of potatoes, and a porridge for supper, consisting of peas and corn meal sufficient for an ample supply of each. For the year therefore, it is manifest, that the ration will be to each man, three hundred and sixty-five pounds beef; three hundred and sixty-five pounds bread; eighteen and one fourth bushels potatoes, besides the corn meal and peas for supper.

During the whole time embraced in this table, the rations established by the Directors remained the same, although there is a difference in the rations actually delivered of more than one-fourth. From this comparison it will be perceived that in 1829, during the year of the great sickness which Drs. Woodward and Tully, and other Physicians have attributed to "*insufficiency of food and poverty of diet*," the prisoners received but about two-thirds of the allowed rations; admitting all purchased to have been given them. It appears however from the testimony that at least two hogs belonging to the State, and two belonging to the Warden were, each year, fattened upon the meal included in the above estimate, besides what was given to the horse and cow, or used by the family of the Warden.

In order that this whole subject of rations may be presented in one view the following facts are subjoined, taken either from the Reports of the Directors and Warden of the Connecticut State Prison, or the Reports of the Prison Discipline Society.

In the Report of the Directors 1831, they say "These (the rations) *as we have established them* are larger than are allowed at any similar institution in the country, and are very considerably larger than are allowed by the government in any branch of our national service," (At the time this Report was written the rations were the same they had been from the commencement.)

At page 62 of the Report of the Boston Prison Discipline Society, for 1829, it is stated that "the food of the prisoners in the Connecticut Prison, (that is the food actually received by them not the mere legal ration) costs $15 52 per year each, or 29 cts. and 8 mills per week, or 4 cents and 2 mills per day. The rations at Charlestown Prison costs from 7 to 8 cents per day. The ration at Sing Sing costs from 7 to 8 cents per day.—*See Fifth Rep. Pr. Dis. Soc'y.* 22 *pp.* At Auburn Prison the rations cost $21 00 per year, or 5 3-4 cents per day.—*See Powers Rep., pp.* 29.

At the Connecticut State Prison it appears that after the matron took charge of the cooking the expense of the rations per man, per year, rose to $20 24.—*See Rep of* 1832. It will be recollected that after she took charge of weighing and delivering the rations and entering them daily in the ration book under oath, all complaints of hunger ceased; that before this time they had been unceasing. It appears then that while the the *established or legal rations* were larger than at an other prison; the food *actually received by the prisoners* cost less than at any other, by about *one-third.* It will also be perceived by the above table, that all the food *actually* purchased and delivered to the convicts is less than the *established or legal rations* by *about one-third.*

It is worthy of remark that the cheap manner of supporting prisoners at the Connecticut State Prison has been noticed in the Prison Discipline Reports as worthy of imitation, and other institutions are *censured* for not maintaining their prisoners as cheaply.—*See Fifth Report* 22-3-4-5 *pp.*

From all this testimony it appears that in 1829, the men were kept the cheapest; the quantity of of provisions delivered to the prisoners was the least; the complaints of hunger were the loudest, and the sickness brought on by *insufficient diet* the most severe.

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Joseph M. Morrison.—"Went to the Prison in August 1827, as a watchman, continued as such till December, then went into nail shop as overseer; in March 1828, went into coopers shop as overseer, and staid two months. I then had the oversight of both shops for some time; and continued as overseer of smith and nail shop to April 1831; I thought the men acted as if they were hungry, and think they had not enough to eat. I have seen them eat potatoe skins, also cattles feet from which the oil had been boiled, and which had been thrown out upon the ground, or put into barrels to carry to the hogs. The feet were in the state in which they were taken from the cattle, with the hair and hoofs on, except perhaps cut up, not cleansed; have seen kids brought out with porridge which had probably come from the cell of a sick prisoner; I have seen the prisoners scuffle with each other to get these things; have frequently seen extra dishes in the lower tier of cells, north side. These were occupied by the coopers and carpenters who were at work for the State; that is were not let out by the day. The rations in 1828, and 1829, were about the same as in 1830 and 1831. Many of the men in my shop suffered for want of food; had not enough to support them under their labor. I speak of the nail and smiths shop. The rations appeared small in quantity, and were insufficient.—Extra rations were sometimes furnished to particular men.

In 1830, the water was very bad for several weeks, and not fit for any one to drink. It had smelt and tasted bad almost the whole summer; but the latter part of the summer and until the new well was dug, it was for several weeks very offensive, intolerable; men said they could not drink it, and preferred to go without. I spoke to the Deputy Warden about it; he said Mr. Pilsbury had forbid bringing good water from the well of the house. I then spoke to the Warden (A. P.) about the water and the condition of the well; he said he supposed the rats had injured or undermined the drain from the cook room cellar, and that it discharged into the well. There was a drain from this cellar which run within a few feet of the well; and there was generally when the springs were at all high, more or less water under the floor of this cellar which was discharged through this drain; have known the beef brine emptied directly into this drain. The water of this well was excellent when I first went to the Prison. I sometimes by stealth got a little good water for my men from the cook room which Slocum the head cook had brought from the well at the house for his own drink; rather than drink this bad water, men often went with out through the day. I saw Dr. Woodward come and taste the water at the pump; also saw Judge Welles try it; a short time after, saw Mr. Welles and Pilsbury together measuring and fixing the place for the new well; well was dug very soon, should think it was completed in two days from this time, but am not certain. The bad quality of the water was a subject of frequent conversation among all the officers; cannot say that I made any *special* report of it to the Warden. He knew the character of the water as well as I did; and knew that the men could not drink it. Ferdinand was a nailer in my shop; complained of being sick, and I reported him as sick to A. P. several times; he took no notice of the report, sometimes he made no reply; sometimes would talk with Ferdinand; it was sometime before he saw the Physician, a week or two; he was *not able to labor*, his legs were much swollen, *he complained that they ached and were very painful. Mr. Pilsbury however kept him to work. At one time this prisoner applied to A. P. and shewed his legs to him, said he was in great distress, and unable to work; asked to see the Physician, and shed tears. Amos ordered him back to his work and threatened him when he complained, told him to go to his work, if not he would punish him.*

"At this time when he applied to Amos and wept, I thought him very sick. I do not recollect how long he worked after he saw the Physician; he was sick a long time, and died I think in the Dec. of 1829. *Amos Pilsbury ordered me not to let a prisoner speak to a Director, without his leave. He assigned no reason. I informed the prisoners in my shop of the order. Whiting wished to speak to a Director. I told him he could not, but must apply to Mr. Pilsbury.**

"* This attempt to prevent the prisoners from speaking, or complaining to a Director, was the occasion of the following very singular provision in the by-laws.

"SECT. 1—ART. 6. As it is by law the duty of the Directors to see personally to the condition and treatment of the prisoners; no regulation or order shall be made, to prevent prisoners having

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"When the bye-laws and Hospital regulations were made, Mr. Amos Pilsbury ridiculed them, in the presence of the other officers; laughed about them; said he should observe them as far as he saw fit, and no further; said they were of no use.

"I have often seen the waiter pass through the guard room, into the yard, to the Prison store room, for beans and meal; said he wanted it for the house. We had always beans or puddings soon after this, to eat upon our table; this was done more or less all the time I was there, up to April 1831. The waiters from the house were also in the habit of getting from the shop, chips, hewings, blocks, ends of staves and heading, hoop poles, &c. for the family. Much of it was the best of fuel. It was kept in a large box near the fire place. The coopers were obliged to hide their chips, in order to have enough to heat their barrels. I never knew of any chips, or fuel of any value, taken out back of the prison; for they had not enough to burn in the cook room. There were at one time about 8 or 10 coopers; at another about 20; heavy business done. The State paid two dollars a week for our board, to the Warden; I don't know that either of the Mr. Pilsburys ever had any other domestic help than the convicts, while I was at the Prison. They both had their work done by the convicts. Amos Pilsbury occasionally had work done for himself in my shop; small jobs; when I carried him the account of this, he refused in one instance, to charge himself with the amount; after that, I did not keep any account of work done for him.

Cross-Examined.—"He did not ask me when I went away, or at any time, to hand over to him a minute of the work done for him. I do not know whether he afterwards credited the State or not, with the articles of which I carried the account to him; and which he refused to charge himself with. In consequence of this refusal, I omitted after that to charge jobs done for him. Amos gave the order not to let the prisoners in shop, speak to Directors. Ferdinand was reported several times to Amos, before he saw Physician. I don't recollect how long it was after this, before he died. He was sick some time.

"Saw Judge Welles twice at Long Meadow; once when I gave certificate which he drew from my dictation; the facts in it were correctly stated.

"I called on him at Wethersfield, and there was an addition made of the facts respecting Ferdinand; the first certificate only spoke of the treatment of the sick generally. I applied to the Directors for the allowance of wages, which was equal to what the other overseers received. I was told by both the Pilsburys, that the Directors had refused to allow me more than 15 dollars a month. The elder Pilsbury said he would venture to give me 16, if the Directors did not object. I supposed from what he said to me, that the Directors had decided upon the subject. I spoke to Judge Welles, and also Judge Russ about it. They both denied that any thing had been said to them about my wages. or that the Directors had decided any thing about them. Both said they supposed I was receiving as much as the other overseers. Judge Welles said that the Directors had allowed $20 a month to overseers; and he supposed I was receiving that sum; he thought I ought to receive the same with the other overseers. The whole conversation about wages took place after the certificate was drawn. He sent me the formal parts of a petition, for the allowance of my back wages; said nothing about the removal of Pilsbury. At the time I called upon Judge Russ about my wages, (it was in October, 1831) he said that neither of the Messrs. Pilsburys had said any thing to the Directors about my wages; said the Directors would consider the matter; enquired of me particularly as to the conduct of Amos Pilsbury. I related to him substantially all the facts stated in my certificate; and told him I should be ready to swear to them. He said there must be an investigation by the Directors into Mr. P.'s conduct, and asked if I would come down from Massachusetts, and appear before them; and he would give me notice of the time. I told him I would endeavor to attend. I was formerly an officer of the New Hampshire Prison, with both the P.'s; father and son. Came on here with them. Never spoke to Judge Welles about my wages before I left the Prison; supposed from what Mr. Pilsbury told me, that Judge W. and other Directors, were opposed to my having any greater wages, though I

ready access to the Director who shall be present, nor shall any punishment be inflicted upon them for speaking to a Director. In discharging this part of their duty, the Directors will deem it proper not to suffer a convict to hold any conversation with them, in the hearing or presence of other prisoners."

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have since ascertained this was not true. Mr. S. H. Huntington came with Amos Pilsbury to Long Meadow, to take my deposition."

Elizabeth Griswold.—"On the 13th January, 1831, I went to the State Prison as matron; was appointed by the Directors. On the 2d of May, 1831 the cooking was removed into the female department; and I have superintended the cooking, washing, mending, &c. for the prisoners ever since. When I first commenced the cooking, Capt. Pilsbury directed me to make the bread of three quarters Indian meal, and one quarter rye; both unbolted. I also weighed out the rations, and kept an accurate account of the rations in a book. (*Ration book here presented and identified by witness.*) This book was presented quarterly to the Directors, and sworn to by me. Rations were 1 lb. meat; 1 lb. bread; 1-20 bush. of potatoes; and a porridge for supper; to be made of 6 qts. of beans or pease, and 20 pounds of corn meal, to 100 rations. In October, 1831, the bread was increased to 1 1-4 lb.

"I have sometimes weighed the meal, and also the bread, in order to see how much bread was produced from a pound of meal. I found that 24 lbs. of meal, 3-4 indian, and 1-4 rye, unbolted, would make 48 lbs. of bread. I am satisfied the weight of the bread was double the weight of the meal. It was a poor and heavy bread, though we made it as good as we could. Mr. Pilsbury was unwilling to have the cooking removed into the female department,—both he and his father, who at that time was on a visit at the Prison, attempted to dissuade me from undertaking it; told me there would be danger in it; that it was very hard work; very laborious. The Directors appeared desirous to have the cooking done by the females; and had erected a store room, kitchen and cellar, and other apparatus connected with the female department, for that purpose; and engaged me to superintend it; they finally insisted upon the removal.

"Beef shrinks in salting. I found a barrel generally fell short 10 or 12 pounds. The greatest part of the beef was put up at the Prison. 100 lbs. meal, such as we used, make 200 lbs. bread, as we made it. We washed and mended the blankets; blankets very poor, short, and thin; of those which were used the last winter, (which was a very cold one) we have lately, since Capt. Montague took charge as Warden, put two or three together, in order to make one which was comfortable. Should think a person with only three such blankets would suffer. The females have each a pair of sheets in their cells; have no doubt it conduces much to comfort, as well as cleanliness, and economy, to have sheets. The male prisoners have no sheets. Know of no reason for the difference; sheets are not damp. The washing and mending for Mr. Pilsbury's family, 18 in number, was frequently done by the female convicts. I recollect we did it for about 6 weeks at one time. The female convicts had been sometimes employed in the Warden's family, after I took charge of female department. In June, 1831, the day after I understood there had been some newspaper publications, Nancy Johnson, a convict, was sent into the female department from the Warden's family, where she had been previously employed. Only two meals given on Sunday; don't know whether Directors knew of this or not. There is a large quantity of waste or swill made from Prison kitchen; enough I should suppose for a large number of swine; it now keeps six or eight hogs; the prison hogs are now kept separate from the present Wardens; don't know how much waste was made from Capt's. kitchen. Judge Welles proposed to give the prisoners better bread made entirely of bolted rye flour, as more healthy; the other Directors seemed to prefer to continue the bread of rye and indian unbolted."

Bye-Law read here respecting beds and bedding, and sheets, as follows; viz:—"Sect. 9. Rule 2d. Each convict shall have a straw mattress, three blankets in winter, and two in summer; and two coarse cotton sheets, of sufficient size; the whole to be kept carefully clean. They shall not be permitted to sleep in their clothes, nor to lie down or rise, until notice shall be given by the bell. Their meals shall be taken in their cells."

It appeared that the ration book was commenced Feb. 1, 1831; about 10 months after the time required by the bye-laws.

Wm. Montague.—"Have been in the habit of buying and selling beef by the barrel; it shrinks from 5 to 6 per cent; its juices are imparted to the brine. I should not expect 200 lbs. new beef, salted down, would weigh out more than 188 lbs. perhaps not so much.

John W. Grannis was recalled and re-examined by Mr. Pilsbury, with the object as expressed by his counsel, of shewing that Mr. Welles induced him, not to renew his contract at the Prison.

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"Our firm had the shoe contract which commenced Nov. 26th, 1830, for one year, at 30 cents a day, for 60 hands. We kept an exact account of the business, and allowed for the work done at the Prison, the same price we paid for similar work outside; at the end of the first quarter we found a considerable loss had been sustained; at the end of the second quarter there was also a loss. I called at Judge Welles' and mentioned the circumstance to him. He expressed his surprise that money should be lost, at a price so low as 30 cents a day, for board and wages; said he would enquire into it. When I next saw him, he said he had made enquiries, and was satisfied that the contractors had been in some instances improperly charged with the labor of sick men; and he would endeavor, that the practice should be stopped; showed me several certificates; some of them of the overseeers, in which the fact was stated, that contractors had been thus charged with sick men, who could not work. He also showed me the statement of the Physician. He said he thought this would explain the reason of the loss, and hoped I should renew our contract; said he would do all in his power that the business should do well. I told him, and also told Pilsbury, we should not be willing to hire the men, if Kelly was continued as overseer of the shoe shop. He (Mr. W.) told me further, that if Kelly was objectionable, he had no doubt the Directors would remove him, and urged me to make a proposal for the hands another year. We finally made another offer, and put up the price higher than we should have been willing to do, had it not been for the assurances of Judge Welles, that the abuses should be corrected. We were informed by Mr. Pilsbury, that we should be entitled to the men, unless some one gave more than we offered. When we made our offer he informed me that he had a better offer. This I ascertained was not true; the sum offered was the same. We talked with the new contractors about buying in the contract, but only on the condition, that Kelly should not be overseer of the shop. Our loss for the year was between 7 and 800 dollars, by hiring the shoemakers. So far from dissuading me, Judge Welles used every exertion, to have us renew our contract."

The Counsel for the State now made a motion that the Committee should examine certain prisoners who had been convicted of offences which did not render them incompetent to testify in a court of law, either with or without being sworn, as they should deem best; and claimed that there were many of the prisoners whose testimony was admissible on strictly legal principles. This was objected to by the Counsel for Mr. Pilsbury, and the question was argued at great length.

It was contended by the Counsel for Mr. P. that admitting there were prisoners whose testimony would be admissible in courts of law, such as those convicted of disinterring and dissecting dead bodies contrary to law, bigamy, &c. yet the Committee ought not to examine any prisoners in this inquiry; that no Warden would be safe if prisoners might be examined against him; that he would of course be sworn down, by men over whom he had exercised his authority; that the Warden and prisoners must of course be opposed to each other, the one exercising authority and the other resisting its exercise, the one exerting restraints, the other opposing them: that the Report of this Committee was looked for with great interest in this country and Europe; and that it was important that the facts which should be exhibited in it should be drawn from pure sources; that there was no necessity for such an examination, as the facts might all be ascertained from the officers of the Prison, from the Directors and from the numerous spectators who were admitted daily.

It was contended by the Counsel on the part of the State:—That the testimony offered was admissible before every judicial tribunal; that there was a large class of offences the conviction of which did not disqualify; that if Mr Pilsbury was even on trial for his life, before a Jury, these men might be admitted as witnesses either for him or against him; that it was not a thing of course that the prisoners were prejudiced against their keepers, and if the Report of the Directors for 1831 could be credited, the contrary was the fact; it is there asserted that, "*a large portion of the prisoners conduct well and regard the Warden as their friend and benefactor, from them a complaint is never heard,*"—but even if the fact were so, that they were prejudiced, it would only go to their credit, not to their competency. The Committee can decide after the examination and under all the circumstances, how far their statements are entitled to belief. Certainly, if those prisoners who are debarred all intercourse with each other and can have no concert, shall, on a separate examination, relate substantially the same details of their treatment; shall state the same facts as to their suffering from hunger, from sickness and from cold, it must weigh greatly with the Committee and with the public; the coincidence of itself would be strong natural evidence not depending on the credibility of the witnesses. It was also contended that this had been the practice of all former Committees; it was done by Messrs. Russ, Welles and Peters in 1825, when sent to examine New Gate; it was done by the Commission-

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ers in New York who examined the condition of the Auburn Prison. But the argument fails on another ground:—Mr. Pilsbury is not now the Warden; these men are not now his prisoners; and the same rule that would exclude those who are now prisoners, from testifying, would exclude all who have ever been under his care. It is said that this Committee must draw their facts from pure sources, and which are above suspicion,—but is this Committee to require testimony from sources more pure than those which the law recognizes—will it require testimony morepure than that which is admissible in trials where property, character, liberty and life may be involved. It is said that the Officers and Directors may be examined and that is sufficient. With regard to the Directors, they can testify only to what they personally know, and this must be little, abuses will not often be practiced in their presence and concealment will always be attempted. As it respects the examination of the Officers, they may be the very individuals whose conduct is in question. Is it probable we shall learn of abuses and cruelties from the very men who have practiced them and who have a direct and obvious interest in the inquiry? It seems then that the Committee are to reject testimony which is clearly *admissible* and resort to the testimony of interested witnesses which is clearly *inadmissible*, and all for what?—to afford protection to a man who has appointed his own officers, and thus surrounded himself with his own relatives, and who, if this principle be adopted, will forever be able to set all scrutiny at defiance. Let a case be taken, an overseer of a shop abuses his prisoners, he is alone with them, let the testimony of the prisoners be rejected and you secure to him absolute impunity; he may take the life of a prisoner and he cannot be reached.

The Committee denied the motion and refused to examine the prisoners.

Depositions.

I, *Chauncey Belden*, of West Springfield in the State of Massachusetts, being of lawful age and duly sworn, do depose and say: That I resided in the family of Dr. S. B. Woodward for a number of years previous to the year 1830, and attended with him in his practice both while I was a student of medicine and after I became a licensed Physician. While attending with him in his practice at the Prison I saw the manner in which the prisoners were treated by the Messrs. Pilsburys, father and son, particularly the latter, who had charge of the sick.

Mr. P's. conduct generally was characterised by a harsh and tyrannical manner, altogether unnecessary; this was particularly true in his intercourse with the sick, he not unfrequently disregarded the complaints of those who were seriously indisposed, affecting to believe that they were feigned for the purpose of avoiding labor, and in some instances such complaints served only to create suspicion and to lead to increased severity of treatment.

"Ferdinand and McCarty for a long time suffered from disease of the lungs, and when their haggard countenances and emaciated bodies told too truly the ravages disease was making, and called loudly for the sympathising tenderness of others, they were, in that condition, not unfrequently ordered to the work shops. As it respects the case of Ferdinand, he had been long ill, his legs were swollen, he had a severe and almost constant cough, profuse night-sweats, and copious expectoration. It would seem difficult for any person to see him and doubt that he was in the last stage of a consumption; in this condition he was confined to his cell and was frequently kept in it for eighteen or twenty hours without food or nourishment of any kind. The case has frequently occurred when he was taken from his cell, by the present Warden, at about 12 o'clock, M. to see the Physician, he would complain of great exhaustion and prostration of strength for want of nourishment, and would declare in presence of the present Warden that he had had no food since the night before when he was locked in his cell. Mr. P. would then in a coarse and abusive manner, enquire of him why he had not made his wants known at an earlier period of the day, and that he might have had food if he had called for it, or words to that effect. The prisoner answered that he was locked in his cell in one of the upper galleries and no person had been to his cell, or that he had called for food and no one had attended to his call. These facts, or similar ones, occured frequently not only in the case of Ferdinand but of other prisoners. McCarty was a long time sick with nearly the same complaint, presenting generally the same symptoms, and receiving much the same treatment from the present Warden. He did not die however until I ceased to attend the Prison, but every person who saw him for months previous to my leaving the institution, predicted a fatal issue to his disease. In this condition he was left to

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suffer for food and medicine. He often complained in presence of Mr. P. that he had not had any nourishment, or not such as the Physician ordered, and this fact would be admitted by Mr. P. It was with the utmost difficulty that any thing which was proper for them was obtained, and when the Physician gave the directions as to the diet of these sick prisoners, they were received in the most rude and offensive manner by Mr. P. who did not hesitate to manifest to the Physician and to the prisoners his unwillingness to comply with these directions. He seemed offended with the men because they were sick, and manifested a determination to treat them with so much severity that they would not dare to complain. I have no doubt whatever, and mean to state, that his whole conduct to the sick prisoners, so far as it fell under my observation, was so unkind and unfeeling, if not brutal, that the sick prisoners did not dare to complain but suffered in silence almost to the last extremity. This was particularly true as to the cases of Botsford and Fagan, two colored men from the shoe shop, as well as others. Botsford died in a very short time after he came under the care of the Physician, I should say in four or five days. His complaint was a dropsy, and he must have been for months unwell; his feet and legs were swollen, his abdomen much enlarged and his breathing very laborious. He stated that he had been a long time sick and unable to work, indeed his whole appearance indicated that fact. he also stated that he had frequently complained to the overseer of his sickness and that he had reported him to the deputy who refused to let him see the Physician. The fact that he had often been reported by the overseer was admitted by Mr. P. who claimed that he was 'playing old soldier,' and was not sick. Fagan died of nearly the same disease and soon after Botsford. These men complained to the last of the severity and unkindness which they had experienced, particularly from the present Warden, and from what fell under my own observation I believe their complaints were well founded. I was present at the post mortem examination and assisted in the dissection; the whole viscera were diseased and some of the organs were nearly destroyed. I have no recollection of ever witnessing such a mass of disease. They either suffered in silence, or their complaints were designedly concealed from the Physician till the structure of the organs was so much affected that death was inevitable.

"The present Warden did not hesitate to decide how sick a man must be before he would permit him to receive medication and even after the patient came under the care of the Doctor, he did not scruple to withhold the food or medicine which had been ordered under the pretence they were 'playing the old soldier.' I feel constrained to declare that many sick prisoners suffered, in my opinion, more from the abuses, unkindness and cruelty of the Warden than from the disease of which they died, and it was an opinion often expressed that some who died might have *probably* been restored to health if they had received the proper attention from the officers at an earlier period.

"At one time the water was such as not only to render it unpalatable, but evidently to have had considerable influence upon the health of the prisoners. Yet when the necessity for its change was urged, that evil, like others, was disregarded. I might enumerate other instances, but these will be sufficient to illustrate his want of attention to the comfort and welfare of the prisoners.

"In respect to the treatment received by Mr. Welles, one of the Directors, it appeared to me to be altogether improper and disrespectful. Mr. Welles exerted himself to secure kind and proper treatment for the sick, and was vigilant in examining into the condition of the Prison and the prisoners. This vigilance brought upon him the displeasure of the Messrs. Pilsburys, and they seemed disposed to injure him whenever they had an opportunity. The language of the present Warden particularly was of the most abusive and intemperate kind, and so far as I could discover had reference to nothing else but the efforts of Mr. Welles in behalf of the sick and to correct and restrain abuses. As it respects the temper and disposition of the present Warden, I know not how he may have exhibited himself to others, but so far as my observation extended, he manifested in his deportment toward the prisoners, the Physician and his students, and the only Director who appeared to take an active part in the management of the Prison, great moroseness, violence of temper, and the most rude and offensive treatment.

"And further this deponent saith not.

"CHAUNCEY BELDEN.

I, *Hylas Stylee*, now of Buffalo, in State of New York, being of lawful age and duly sworn, do depose and say:—That I was employed as an overseer of the shoe shop

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of the Connecticut State Prison from October 1827 to April 1830, during all of which time Moses C. Pilsbury acted as Warden, and his son Amos Pilsbury acted as Deputy Warden, and during a part of the time John C. Pilsbury, another son, acted as overseer of the carpenter's shop.

"I further say:—That during the time of my services, the sick and complaining were, in repeated instances, treated with harshness and severity by the above named Warden and Deputy Warden, particularly the latter who had the more immediate care of the interior management of the sick. So severe and abusive was the treatment that the men did not dare to complain until they could bear their sufferings no longer. I used frequently to report men as sick and unable to labor, and yet these officers took not the least notice of the complaint, and the men were not permitted to see the Physician until their diseases put on very alarming if not fatal appearances. I was myself treated with coldness and hostility because I reported men in my shop as sick and unable to labor, and expressed my unwillingness to charge them to the contractor. I had under my care two colored boys by the names of Botsford and Fagan who reported themselves to me as sick; I told them if they were not able to work that they must stay in their cells, and that I would report their case to the Warden, this was in the morning before breakfast; after shutting them up for breakfast, I reported them to the Warden; when the prisoners were taken out after breakfast, Botsford and Fagan did not come out with the rest of the prisoners but come out shortly afterwards and said to me that the Captain told them they might come to the shop and do what they could, if they were not able to do a day's work to do what they could. This placed me in an awkward situation for an overseer, for, according to my instructions, when they sent a man into my shop I was to consider him as a well man, and to give credit for a well man, and it was my duty to require of him a full day's work. As this was my duty, I went to the Warden at noon to know what should be done, he told me that the boys were not sick, that he knew all about such fellows, that he had kept prison a number of years and understood his own duty, he thought and he would not have such fellows 'play the old soldier' with him. I accordingly told the boys, (Botsford and Fagan,) that if they came to the shop I must require of them a full day's work. They went to work and with great difficulty performed their tasks, but appeared to be sick and complained of being so. I went again to the Warden respecting these prisoners, told him that they appeared very sick, and that I did not think it right to charge their services to the contractor. He treated me with coldness, said he knew they were not sick, and took no notice of the report. In the mean time these boys were constantly getting worse, took little or no food, and appeared to be extremely ill. I conversed with the deputy and expressed my opinion, he seemed to be offended; I requested him to call Botsford and examine him, and see if I was so much mistaken, for he was much swollen in his limbs and bowels and had great difficulty of breathing; he refused to examine the boy, but said he would cure him very quick if he came to him with his complaints. The next day the Deputy came into my shop, and while standing with me at my desk, Botsford the prisoner came to him and begged him, in tears, to let him have something that he could eat, and said to him, (in a very becoming manner as a prisoner,) 'Mr. Deputy I am very sick, I cannot eat my rations;' Mr. Pilsbury took him by the hair and shook him about, and said 'go to work you rascal or I will give you something that you want, if you do not want your rations.' The next morning both these prisoners stayed in their cells, for I told them not to come out unless they were able to work. Soon after the prisoner swere seated in the shop the Deputy Warden came in with Botsford and Fagan, and brought them to me, and said in great anger, 'here, I want you to make these rascals do their task, and if they do'nt, let me know and I have something prepared for them that will cure them at once;' and now, he says to the boys, do you eat your rations or I will punish you. The boys took their seats and both wept. This I think was on Thursday or Friday; in the afternoon the Physician came and Botsford was sent for and did not return again to the shop, but died within four days from the time of quitting his work. On the day he died Fagan was sent for; he had been long complaining much in the same way, and was treated in a similar manner, and died in a few days after leaving the shop. The sickness of these men was apparent to every one that saw them, and had been so for many weeks, and yet they were not allowed to see the Physician, to have any proper food, or

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to leave off work. All possibility of making their wants or abuses known to the Directors was entirely cut off, for as there appeared great dissatisfaction among the prisoners about this time concerning their rations, overseers were ordered not to let a prisoner speak to one of the Directors in any case whatever; all their communications were to be made to the Warden who now refused to be spoken to by any prisoner in the shops, but said if any one wished to see him they must notify the overseer, and that it was the duty of the overseer to report to the Warden, and that he would visit any one that wished to see him at their cells; this he did not do when notified by the overseer, but soon made the overseer understand that it was not his pleasure to hear such requests from the prisoners—so the prisoner had no access to any one who colud relieve their wants but to the Deputy Warden whose treatment to such as dare to ask for any relief was such as could not be expected from any one. I well recollect the circumstance of a prisoner by the name of Remington in my shop who complained of hunger; he requested and even begged of me to let him converse with Judge Welles; this I refused because I did not know that it was the prisoner's privilege to do so, seeing I had such positive orders from the Warden and Deputy Warden not to suffer a prisoner to speak to the Directors; and I of course could not comply with his request; but one evening in the Hall after our Warden had closed the religious service, the prisoner Remington in a very humble manner asked the Warden for more food, complained of extreme hunger. The Warden made him no reply but the prisoners were marched to their cells. The next morning Remington did not come out with the rest of the prisoners but shortly appeared with a huge chain upon his leg, accompanied by the Deputy Warden, who said to me, here, I have given this fellow an extra ration this morning, (pointing to the chain.) I guess he can do his task now.

"Mr. Newton the Overseer of the Chair Shop appeared to be well respected by the Warden and Deputy, until he reported to Doctor Woodward that he had a number of men in his Shop who were sick and complaining, and almost unable to stand by their benches; this very much offended these officers and Mr. Newton became at once the subject of ridiculous slander, particularly by Amos Pilsbury. About this time the Warden and Deputy Warden began to manifest a bitterness toward Dr. Woodward. I took an oportunity to converse with Dr. Woodward, at my house, he seemed reluctant to enter upon the subject; he expressed his opinion that the sick had not received proper attention; that there was something wrong. From this time Dr. Woodward was spoken of in terms of hostility and abuse by these same officers. Judge Welles one of the Directors interposed also in behalf of the sick, and directed that in all cases the sick should be allowed to see the Physician, that he should decide the case, whether they were sick or well, and that his directions and advice should be followed in the treatment of the sick prisoners; and from that time Judge Welles was the object of constant abuse and reproach from the Officers, particularly from Amos Pilsbury. Although, before this time they had appeared to rely almost entirely upon the advice and assistance of Judge Welles in every emergency, and had spoken of him in the highest terms. I do not suppose that he was aware of the abuse and reproach they were heaping upon him behind his back, as I never perceived the least difference in his treatment of these men. A. P. has frequently come to me and said here are more of Dr. W's pills or physick, that he said such a man must take for he is sick, but I know better, I know he is not sick; I know Dr. W's object to well; I shall try my remedy and if that will not do, I may try his; but I shall try mine first; so saying he threw away the medicine; he said also that all W. wanted was to make a heavy bill against the Institution, and would be glad to keep as many sick as possible and that Martin (meaning Judge Wells,) was ready to back him in it. He further said that when medicine had got to go through his hands he should use his own judgment about giving it."

HYLAS STYLES.

Deposition of Daniel Conner. The reading of this deposition was commenced; it was objected to by the counsel of Mr. Pilsbury, on the ground that it related to the conduct and character of Amos Pilsbury, in New Hampshire; that they were exparte depositions; and that the object of this Committee was to ascertain the errors in the management of the Connecticut State Prison; and not the character of Amos Pilsbury.

To this it was replied, that this deposition,

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and seven others which accompanied it, were offered, to prove the conduct and character of Amos Pilsbury, while he was Deputy Warden of the New Hampshire State Prison; for which he was dismissed from that Prison; that while there, he had taken public property to his own use; had procured to be made a false key, by which he opened the Warden's desk, in his absence; and was often seen more or less intoxicated; even about the Prison as well as the public streets. Judge Welles has stated in his Counter Report, that he did not vote for Amos Pilsbury for Warden, on the ground that he had been informed, that he had been dismissed from the New Hampshire State Prison for alleged misconduct, and under circumstances calculated deeply to affect his character; which information he had since learnt was true.

That Report has been referred to this Committee; we now offer to prove the truth of this part of it; and if the objection be made that the depositions are exparte, the same objections will apply to almost every deposition; but we will fortify them by the testimony of a gentleman from New Hampshire, who is now present, and ready to be examined upon the stand. We claim that the appointment of such a man, as Amos Pilsbury is proved to be by this testimony, is in itself a malversation in office, and is a gross error in the management of the Connecticut State Prison.

The Committee rejected the testimony.

There were eight depositions taken in New Hampshire, which were rejected by this decision, viz. the deposition of Daniel Conner, formerly Warden of New Hampshire State Prison; Enoch Currier; Richard Bartlett; lately Secretary of the State; Luther Roby; James Woolson; Joseph Wild; David Allison, and Lewis Downing.

A part of them are subjoined; those which are omitted, contain no facts different from those which are presented.

"*State of New Hampshire,* } ss.
"*Rockingham County.* }

"I, *Daniel Conner*, of Exeter, in said county, being duly cautioned and sworn, depose and say:—That I entered upon the duties of Warden of the New Hampshire State Prison, in June, 1826, and continued in said office until July, 1829; that I found Amos Pilsbury doing the duty of Deputy Warden; and having engaged no one either for that office or any other in the Prison, I enquired of the late Warden, his father, if the several persons were suitable for the respective stations they then occupied, and upon being answered in the affirmative, requested them all to remain; said Amos did remain until December following; at which time I discharged him from doing the duty of Deputy Warden, and from the Prison.—Some of the reasons for his removal were, that I frequently found myself involved in difficulties, in consequence of quarrels between said Amos, and some of my guard; at one time, he took the liberty to discharge one of them during my absence; and at another time, on returning to the Prison, I asked one of the watchmen, why he was not attending to his duty, and he said that the Deputy, (or that Amos, and I will not say which word he used) had forbid him; but on investigating the business, I restored the watchman to his place. Misapplication of the labour of some of the convicts by setting them to do work, other than what the overseer was directed to have done; a part of which, was for his own use; his taking pains to keep me ignorant of what was passing within the Prison; his indulging too freely in the use of ardent spirits, which I presume made him more insolent and quarrelsome, than he otherwise would have been. It would be impossible for me to recollect all the instances of misconduct, on the part of the said Amos during his stay with me, but this one I do recollect. Having been absent on Prison business, and the Prison of course left in charge of the Deputy; upon my return, I attempted to unlock the desk in the office, kept for my own use, in which I usually kept my money, papers, &c., with the key I had always before used, but could not unlock it; when the Deputy, (the said Amos) came in, I enquired of him, who had been at work on my desk? he, after some hesitation, changing color, &c. said that he wanted, (I think) a skein of thread from it, and produced a new key which he said he had made for that purpose, which key I took and ever after used as long as I used the desk, putting the old one inside: on the whole, having lost all confidence in his integrity and veracity, (partly from my own observation, and partly from the character given him by others) and finding him thus troublesome, I discharged him as above stated, without knowing at the time who I should obtain as his successor, and further this deponent saith not.

"DANIEL CONNER."

"*State of New Hampshire,* } ss.
"*Rockingham.* }

"I, *Enoch Currier*, of Exeter in said county, being duly cautioned and sworn, do depose and say:—That I commenced the duty of a watchman at the New Hampshire State Prison, in April, 1825; and remained as watchman and overseer, until July, 1829. That shortly after I went to the Prison, Amos Pilsbury was appointed Deputy Warden by his father; and continued in that

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office, under Capt. Daniel Conner, until December, 1826, when he was dismissed by Capt. Conner. During my whole acquaintance with him, he drank ardent spirits freely, and sometimes to intoxication. I have known him to be so much intoxicated as to have to be led home. I have seen him fall down in the Prison yard, when liquor was the occasion of it; have seen him lying down in a cellar, under a workshop, when he could not go if he tried. He was occasionally ill natured and abusive, which I suppose resulted from drink in part. I have known him to pass out of the yard, articles made for himself by the prisoners, contrary to orders, and the well known rules of the Prison: have seen him give a bottle of rum to a prisoner, a part of whose clothes he had. I knew him in the absence of the Warden, Capt. Conner, have a key made to unlock the desk of said Warden; in which he kept his papers, &c. and saw said Pilsbury unlock said desk with it; and further this deponent saith not.

"ENOCH CURRIER."

"I, *Richard Bartlett*, testify:—That I resided in Concord, in the State of New Hampshire, from 1818 till January, 1832, and had a slight personal acquaintance with Amos Pilsbury, whilst he was Deputy Warden of the New Hampshire State Prison, and afterwards, till he removed from town. I was not in the way of hearing much conversation respecting him; and do not remember that he had any very decided character, till after his dismissal from the office of Deputy Warden, by Capt. Conner. His dismissal was the occasion of some conversation at the time, in the village, and it was reported that he had been dismissed for intemperance. Only an evening or two I think, before he left Concord, I met him in the Post Office, when he was very much intoxicated. After he went out, his situation became a subject of conversation between myself and some person present; (I feel confident he was the Post Master,) who agreed with me, that the Warden had done right in discharging him. Capt. Conner, the late Warden, had much better opportunities than I had, to become acquainted with Mr. Pilsbury's habits, and I should place great reliance on any statement he might make. I have known Capt. Conner well for twenty years, eight of which I resided in the same towns with him; and I never heard his character for truth or integrity, impeached or doubted.

"RICHARD BARTLETT."

Merrimack, ss. Sept. 1, 1832. *Sworn, &c.*

John Tuller recalled, and shown the statement made out and sworn to by E. L. Brown. Says that the quantity of potatoes therein stated to have been raised upon the prison grounds, is correct. That in 1828, the quantity raised was 400 bushels; 1829, 850 bushels; 1830, 300 bushels; the latter year were very poor; that the seed to plant was always taken from the State's potatoes on hand. Has known the beds and bedding, and bedsteads, taken away from the prisoners, repeatedly, in cold weather. Last winter, during the extreme weather, they were taken out, and nothing to sleep on but stone floor. It was one of the measures of punishment, to keep the prisoners in order, to take away their bedding, &c. I recollect that a black man last winter, had them taken away two nights; heard the Deputy, Purdy, order him to hand them out; was also used as a punishment for bad conduct; disobedience in the shop or cell; was a common punishment.

Nail Shop book produced.—By this it appeared that Ferdinand had been at work in the nail shop; that he left that shop on Saturday, June 13th, 1829, and did not go back.

Chair Shop book produced.—By this it appeared that he went to work in the chair shop on Monday the 15th June 1829, and continued to work in that shop till September 14, that during this time he was let out by the day and charged to the contractor who employed the hands in the chair shop.

Prison Record produced.—By this it appeared he died the December following.

Shoe Shop book produced. McCarty worked through the month of July 1829; marked as sick, August 3d and 4th, and charged to the contractor the residue of August, and through September; October 3d and 5th marked as sick, and the succeeding week.—The footings of the shop book include the labor of McCarty to this time; corresponding charge to the contractors Charles Whiting & Co., in hand writing of Warden produced.

Botsford died 11th day of August, and is marked as charged to the contractor every day but three before his death.

Fagan worked till Wednesday the 12th day of August inclusive, and is charged to contractor up to that time; is marked as sick the 13th and 14th, and up to the 24th of August, when his name disappears from the shop book.

[A number of witnesses had attended for the purpose of proving that the prisoners had complained of cruelty and neglect in sickness, and of suffering from hunger and cold, but as the Committee had in repeated instances decided that they would not hear that testimony these witnesses were discharged.]

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TESTIMONY ON THE PART OF AMOS PILSBURY.

[Hospital record produced, by which it appeared,] "that in the opinion of the Physician, Anon Smith was not deranged; that his pulse was good; symptoms favorable, and leaving him to the ordinary discipline of the Prison. Another entry of June, 29th, 1831, as follows—"appetite good; pulse 72; says 'he could eat more food.'"

[Joseph B. Gilbert, George Putman, Caleb Pond, Nathan Allyn, Nathan Johnson, and several others, were offered, to impeach the character of Hylas Stiles, overseer of the shoe shop, for truth and veracity. They testified that they had heard his character in this respect, questioned or doubted. Some of them testified, that they thought, the doubts, and imputations might, some of them, have arisen from his pecuniary embarrassments with his creditors.]

Timothy Stillman, called by A. P.—"I have been acquainted with the Prison, from its commencement. The elder P. furnished the Prison, with bibles and tracts, and set up the altar of God, and the morning and evening sacrifice, and made a deep impression on the minds of the prisoners.

"In passing around the cells, after they were shut up at night, the prisoners, might be seen, either reading their bibles, or upon their knees in prayer, leaving their food untouched. Judge Welles spoke in high terms of the elder P.—this was in 1828, shortly after the Prison commenced. I was often there; Mr. Pilsbury (the elder) was remarkably kind and humane to the prisoners, so far as I saw, a man of tender feelings. Men appeared comfortable. I thought the lodging places, were as warm, as people generally have. I was often surprised that the elder P. should be so liberal, in supplying the sick, with coffee, beef steak and toast, and also to the females. Never saw him, or his son, treat any one with abuse. Gerish Barrett was appointed chaplain in 1830; since that, I have not been so often as formerly; have seen the rations administered and thought food sufficient; heard Judge Welles say, he thought the rations were sufficient; wished those who doubted to look for themselves; this was soon after the commencement of the Prison. I was at the Prison the day after the new well was dug. Judge Welles said, he had never known a well dug, and stoned, in less time; know nothing as to the old well. I often visited the sick; know nothing, but they were well treated."

Cross Examined.—Question. "Do you know, whether Mr. Pilsbury was paid for his supplies, which you say, he furnished the sick so liberally?" *Answer.* "I know nothing about that."

Q. "Do you know that the sick were always supplied with food?" *A.* "I do not."

Q. "How do you know that Mr. Pilsbury supplied the bibles and tracts which you say, you saw?" *A.* "I only know he told me so."

Q. "Did not the State pay for them; and are they not supplied by order of the Directors?" *A.* "I do not know."

Q. "Do you know that the prisoners were supplied with the rations ordered by the Directors?" *A.* "I do not, I never saw them weighed."

Q. "Do you know that the sick were allowed to see the Physician when they complained?" *A.* "I do not; but have no doubt they were.

Q. "Do you know whether the prisoners complained of bad water?" *A.* "Do not, but don't believe they did."

Q. "You have taken an active part in this controversy, have you not?" *A.* "I have had something to do with it."

Q. "Have you written, or carried an article for publication, to any newspaper, respecting this affair?" *A.* "I have."

Q. "Have you ever said, that as Mr. A. P. was a member of your church, it was the duty of every member to stand by him?" *A.* "I believe, I may have said something of the kind."

Q. "Is not Mr. Montague, the present Warden, also a member of your church?" *A.* "He is."

Q. "Have you thought it the duty of all the church members to stand by him also?" *A.* "I have had nothing to say as to Mr. Montague."

Samuel H. Huntington.—[Offered as a witness by A. P.; but objected to, by the the Counsel for the State—"on the ground, that this person was one of the Directors of the Prison, during a part of the time when the alledged abuses occurred, and the inquiry

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might directly implicate himself; nay, it appeared from testimony already produced, that after being made acquainted with abuses, he did not endeavor to correct them, but sought to conceal them, and requested an officer of the Prison, who was under oath, for the faithful discharge of his duty, not to mention these violations of duty, on the part of Mr. Pilsbury to Judge Welles.* It was also objected to on the ground, that if interested witnesses, might thus be examined, there was much more danger, that they would swear themselves clear, than that the prisoners who were disinterested, would swear them down; and also, that testimony, of this kind, did not seem to *be derived from those pure sources*, of which we had heard so much."

To this it was answered, that Mr. Huntington, was clearly a competent witness. As to the errors in the management of the Prison, he had no interests in the result of the inquiry; that in fact, all persons were competent witnesses, and that Mr. A. P. himself might be examined. The testimony was admitted.†

Mr. Huntington.—"I was appointed a Director, in 1830, and made my first visit to the Prison, as a Director, in June of that year. I found one or two female convicts employed in the Warden's family, as domestics; also one male convict, who also assisted in the Warden's office. Other Directors knew of this. It was soon brought to the attention of the Directors, by Judge Welles. He expressed his opinion, that it was improper for the convicts to be thus employed; thought it was in violation of the law; particularly the bye-laws, which had just been published. I can't say, that the Directors acted upon it. The female department was a bad concern. I thought it was better for the pecuniary interests of the State, to have them in the kitchen of the Warden's family, rather than in their room. There was no official approbation, or disapprobation, of the employment of the convicts by the Warden.

"No communication on the subject was made to Mr. Pilsbury, until the females were removed into their new apartments in Jan'y 1831. We then told him they had better be put in the proper department.—Mr. P. said he should do so, as soon as he could hire a woman. He, however, kept a female convict in his family until the succeeding May or June. Don't know that he ever allowed the State any thing, for their services; believe that he had no other help for cultivating the family garden.

"In April 1831, the directors passed a vote, requiring Pilsbury to state, what convicts he had employed; he made a written reply.

"I often saw the prisoner's rations in 1830. The subject of rations was conversed about. Watched the delivery and examined the vessels, after the return of the men from their cells; saw no inequality in the distribution of the food; supposed they had all the rations; occasionally saw a little in the kids left. There was a rumor at the time, that the men were starved. It was almost impossible to say whether the rations were *all* weighed out; I sometimes saw a little left. In some instances saw food laid up in the cells. Never saw any other than sweet, well salted beef. On July 12th, 1830, I made an entry in the Directors book, "that I found not less than two blankets, in each cell; ten females in their Prison, and three out."

[The entry of Judge Welles, of July 5th, 1830, disapproving of the employment of the females, by the Warden, was read.]

"The printed bye-laws, were in force when I came into office. One of them required, *that each convict should have two sheets.* There were, at that time, none in the Prison, among the males.

"Judge Russ said, he supposed the bye-law was not to go into operation." (The Counsel for the State, objected to any evidence of conversations or opinions of individual Directors, dispensing with the bye-law; he claimed, that these bye-laws were passed under the authority of the statute, which provides, that "*they shall be of force, and shall be duly observed and executed*"; that nothing but a *repeal* of the bye-law could justify, a disregard of it, by the Warden; and that if a majority of the Directors were for dispensing with it, they could repeal it; but until it was repealed, it was binding on the Warden. The objection was overruled and the testimony admitted.)

"At a meeting of Directors, the explan-

* See testimony of *John Tuller*.

† This objection was several times renewed and overruled; as in the subsequent admission of Mr. Russ; Purdy the Deputy Warden under Amos Pilsbury; of Mrs. Pilsbury, wife of the elder P. and mother of Amos. It was also made when Mrs. Pilsbury, the wife of Amos P. was offered as a witness. Her testimony was rejected; although it was not apparent on what ground, which was not applicable to the other interested witnesses, who were examined.

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ation of Judge Russ was such, that I concurred with him, in the opinion that the bye-law, should not go into operation. Judge Welles was opposed to any dispensation of the bye-law, and thought it ought to be executed. There was no communication to Mr. Pilsbury on the subject, nor any written dispensation, or repeal of the law. No sheets were obtained; I did not consider them necessary; supposed the former board had communicated to Mr. Pilsbury on the subject..

"The overseers of the several shops are, by the bye-laws, and Statute, bound to keep certain accounts, of *stock, tools, business, earnings &c.* of their respective shops; there has not been, a literal compliance. There has been no account of the stock, tools, and various implements of each department, with the value in money, kept by each overseer and lodged with the Warden; nor have the overseers kept an account of the business, and expenses of the several departments. They have an account of the work, done by the day, or article. The Warden kept a general account of the tools and stock. Judge Welles introduced the subject before the Directors; said, he thought the Statute and bye-laws, required the overseers, to keep distinct and separate accounts of the business and expenses as a check on the Warden; did not think the law was complied with. Mr. Russ and myself thought there was a practical compliance.

"*It* would be very difficult to comply with the law. There was never any written dispensation of the bye-law."

[The witness was here shown the nail shop book; by which it appeared, that the overseer of that shop, had complied with the law, in keeping an exact account of the stock, nail rods, coal, &c. delivered out daily;—also, the weight of nails, made by each prisoner, per day,—and was enquired of "whether there was any greater difficulty, in complying with the law, in other shops than in this." Answer: "I do not know that there is."

The following clauses of the Statute and bye-laws were here read

"It shall be the duty of the Warden, to employ and provide an overseer of each department of business, carried on, in said Prison, who shall keep *a distinct and correct account* of the business and expenses of his department." Statute of 1827.

"Each overseer shall, on entering upon his duties, take an accurate account, of the various implements and tools belonging to his department, with the value of the same in money, to be corrected quarterly, &c. He shall keep an account of the *stock* furnished his department, and of the *articles* manufactured there, and taken therefrom: and also of the *daily and weekly earnings of each convict.*" Extract from bye-laws.]

"It has always been practiced to take away the beds and bedding, for punishment. It was used as a measure of discipline, to order a prisoner to his cell on short rations, and without bed and bedding. I have found men often, in the cell, without bed or bedding, under punishment. They would ask me to interfere in their behalf with the Warden; which I did, when I found them to be penitent.

The first information I had, that the water was bad, was from a convict, who was shut up in his cell; and who said he had been shut up all day upon it. Mr. Russ and Mr. Welles were together that day, and said that the water had been bad before, at particular seasons. It looked well, but tasted bad; was satisfied that something would be done. I think I was again there, on Thursday of the same week, with the other Directors; Judge Welles said, that a new well was dug; said it was done by Mr. P. in a certain number of hours. I don't know whether Mr. Welles marked out the ground for the new well or not; don't believe he did. So far as I observed I found the blankets in a proper condition; was in the habit of looking into the cells; there was a difference in the blankets; those in the lowest cells were the best. I once examined every blanket in each cell, July 12, 1830. Duty of the Warden to supply blankets. I did not examine them so thoroughly in the winter.

"The shoe shop was much warmer than the cells; the temperature of the hall around the cells, and in the other shops was sufficient; never knew it so cold, that men would freeze. Fowler's stove was used; it received a column of air from outside, and discharged it heated, into the hall, as it was first put up. It was afterwards removed, and the hole through which it received the external air, was stopped up, and all the heated air that it discharged, was received from the room in which it stood. I liked this latter method best; when the wind blew very hard, it would sometimes, drive in cold air. I thought the hall and cells might be otherwise ventilated by doors and windows. When I went into the shops, I took down the names of those who wished to speak to me, and would then send for them into the office. There was no obstacle that I knew of. I don't know of any rule about horse feeding. I did not tell Tuller, not to tell Judge Welles, of Pilsbury's taking the property. Conversed with Tuller about various

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abuses, in consequence of the certificates, and he told me of Pilsbury's taking the meal, beans, fuel, &c. said he had not taken meal and beans for his family, since the cooking was removed into the female department. I asked him, if he had told Judge Welles of it; he said he had not. I have seen refuse stuff on the fire in the Warden's office; chips, &c. from the shops; scaffolding plank were taken for cell floors, and the stage poles I supposed were sold. I however do not know much about it; never saw any thing of consequence burnt by Warden; have seen shavings thrown over the bank.

"We had no written agreement with Mrs. Griswold. At first we gave her and her daughter $5 1-2 per week; and when she did the cooking $6. Nothing said about her own washing. They were to have their board, so far as they could obtain it, from Prison stores.

"Mr. Pilsbury made out quarterly cash accounts, from his Day Book, of monies received and paid out; vouchers were produced, and accounts sworn to. These quarterly cash accounts, compared with the Ledger cash account, as I supposed.

Question by Mr. P's. counsel.—"Do you think Mr. A. P. was a faithful officer?

[Objected to as a mere matter of opinion; testimony admitted.]

Answer.—"So far as I know he was. I had conversation with Obear and Morrison, in the summer and fall of 1830; with regard to the condition of their men, and shops, they said all well; said nothing about bad water, or bad provisions.

Cross-Examined.—"Have no personal controversy with Mr. Welles. First heard of bad beef and bad water, from the complaints of a convict; no overseer complained to me, that the water, or health, of the men were bad. Quarterly accounts did not shew the profit and loss; merely the cash received, or paid out. Directors never took off a trial balance. I supposed the books of course would balance; ought to balance. Don't know that any overseer complained, that he could not comply with the bye-law, as to the keeping the accounts of his shop. I thought it would be difficult to comply with the law.

Q. "Could not each overseer keep an account, without difficulty, of the articles, or stock, he received for his shop, and of the tools belonging to it." *A.* "I suppose he could."

Q. "Could he not, and does he not, keep an account of the articles manufactured, and taken from his shop, and also of the work of each convict." *A.* "I believe such an account is kept, and has been always."

Q. "Has not the overseer of the nail shop, always kept an exact account, of the business, and earnings; stock, and manufactured articles, of his shop." *A.* "I don't know much about the nail shop."

Q. "Is not this the nail shop book;" (exhibiting a book.") *A.* "It is."

Q. "Are not the nail rods, coals, &c. brought into that shop, credited daily?" *A.* "They appear to be."

Q. "Are not the nails made during the day, weighed off at night, and carried out against the name of the prisoner, together with the waste, or loss?"

A. "It appears to be so."

Q. "Will you now state what the difficulty is, in applying this system, to the other shops; as the law of the state, and bye-law both require?" [Witness here appeared to be angry, and did not answer the question; said he was satisfied with the accounts, as they had been kept, and did not believe there was any fraud.]

Q. "In your entry of June 22d, 1830. you say, 'The overseer of the carpenter's shop has commenced an account of work of every kind, done in his shop; so that the *exact amount of the earnings* of the shop will appear, by *examining the book.*' Is this the book you refer to, in that entry?" *A.* "I should think the book here exhibited, was the book referred to, in that entry." [John Pilsbury's book, (the book exhibited,) appeared to have been kept, but for a short time; it gave no account of stock received, and did not compare, in any respect, with the books in the office of the Warden; the leaves appeared to have been cut out; part of the entries were made at one end, and part at the other; and the book appeared to be irregular and inaccurate.]

Q. "Will you explain to the Committee how the earnings of the carpenter's shop, are to be ascertained from this book?"

A. "My entry had not a particular reference to the *amount of the earnings*, but to the work done."

Q. "Does this book exhibit an account of the work done?"

A. "I should not think it did."

Q. "Is it in such a condition, that the Warden, or Directors, could test the accuracy of any account, by it?" *A.* "It is not."

Q. "Will you explain, then, what you mean, when you say, there has been a *substantial* compliance with the bye-law or statute." [No Answer.]

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Q. "Is this book any check upon the Warden, or could it prevent the commission of fraud." [No Answer.]

Q. "You have said there was a practical compliance with the law; will you inform the Committee, whether there is the least difference, in the mode of keeping the accounts of the shops, before and after the passage of that law?"

A. "I could not say there was any difference."

[The witness, here, appealed to the Committee, whether he should submit to this cross-examination, respecting the accounts. The Committee was informed, that there was no intention of pressing the inquiry further; the object was obtained.]

Witness resumed.—"I received a letter from Moses C. Pilsbury, dated June 10th, 1831, reflecting upon Mr. Welles; which soon after appeared in the Times. I let Gideon Welles, the Editor of the Times, have it; he said he claimed it. Judge Russ was to prepare the Report, last spring, 1832. It was agreed to have it so drawn, that it might be unanimous, and that all could sign it. *I prepared what I thought proper for the Report, and handed my minutes to him.*

"Mr. Welles did not see the Report, until the second week of the session of the Legislature, nor was he consulted, in drawing it up. When I presented it to him, both Mr. Russ and myself had signed it. Mr. Welles objected to the clause, *reflecting upon the Physician;* he agreed *to every thing else*, and said he would sign it, *if that clause was erased.*

"I declined erasing it. Dr. Woodward who was also at New Haven, as a member of the Senate, said he had drawn up his Report, at the request of Mr. Russ, and was entirely willing all that part of the Report relating to the cold, should be erased; or the Report itself destroyed; said he had drawn it for the information of the Directors, and not to go before the public. The Directors met, a few days after this. Mr. Welles stated his objection to the clause in question, to Judge Russ and myself; repeated his willingness to sign the Report, if the clause reflecting upon Dr. Woodward was erased; concurred in every thing else. Russ and myself agreed to retain the clause, and we added another paragraph, commending the honesty, fidelity, and humanity of Mr. Pilsbury. During the third week of the session, I again presented the Report to Mr. Welles for his signature; these clauses both being in it. He said he could not sign it, in that form; and should be obliged to assign his reasons, to the Legislature which he did. Mr. Russ was not able to go to New Haven, on account of ill health. Mr. Welles also objected to signing the Report of 1831, until all the clauses commending Mr. P. were erased; and they were erased. There was never any investigation had by the Directors into the conduct of Mr. P. Mr. Welles read to us, certain certificates respecting Mr. P. and his conduct, at the time stated, by Mr. Grannis.

Lewis Dwight of Boston, called by A. P.—"In the first construction of the Prison, each cell, has a ventilator, covered with perforated tin; whether perforated enough, or not enough, don't know. Have known tin, to be used, in other Prisons; it probably interrupts the ventilation in some degree; put on perhaps to keep out rats.

[The Counsel for the State, objected to this witness, proceeeding to give a lecture upon the construction of Prisons, or his opinion, of good Prisons, or bad Prisons. It was not very probable, that a man living in Boston, could know much, from personal observation, as to the administration of this Prison. If he has facts, which relate to the case, to them, we do not object, but we do object, to his speculation or opinions. Committee overruled the objection and admitted the testimony.]

"Windows of the Prison large, and not so numerous, as in other Prisons; large windows better than a greater number.—Air passes into the cells, through an orifice, in the door; knows not of more than one, or two Prisons, preferable in their construction. Construction such, that he thinks, there cannot be much suffering, for want of air.

Hospital room defective, for want of ventilation; air warmer in Hospital, than in any other part. Room should be increased, and ventilation improved. Shops are large, temperature remarkable for warmth in winter, and coolness in summer.—Little fuel produces great warmth. The mode of ventilation is various; should think air from without, rather more pure, than from the cellar. Hospital should never be under the charge of a convict nurse. *If the convict cannot be heard, it breaks right in upon so much of the discipline.*

"Have often been in the Prison, at the distribution of rations; not distributed by weight. Done no where. Thinks it impracticable. Common mode is, for cook to take it out. Never noticed any differ-

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once in the kids. Have understood there was complaint, for want of food, in every Prison he has visited. So long as rations are specific it will be the case. In the first part of the operations of the Prison, thinks the convicts, did not appear as well as now.

Should think from appearances, *they did not have as much then as now.* Rations about the same, as in other improved Prisons. There is a change between their present appearance, and that while at New Gate. I spent nearly a week at New Gate, before their removal. Guinea, and a young convict, very much improved.

"Deaths about fifteen. Bill of mortality, about two per cent in Massachusetts Prison, in the year ending September 31. Auburn 2 1-2. Sing Sing 3 per cent.—Walnut street, and Arch street, Philadelphia, generally, about 6 per cent. In some small Prisons, where out door work is done, bills of mortality more favorable. The bill of mortality here, very favorable. In the whole city of Boston, formerly 2 1-2 per cent; reduced to 1 3-4 under Quincy, by great cleanliness. Shoemakers ought to have more exercise; good thing to march them around the yard, an hour a day. A superabundance of indian calculated to produce bowel complaints. Cold drink is bad for bowel complaints. Thinks convicts should have warm drink, once a day. There are servants connected with the family of the Warden. Have observed it here abundantly. It is supposed many things are done by the Warden cheaper for the State than otherwise. Difficult to shut up the person when not doing for the State.—Should think with the present number of officers, could not do without. Should think it a great mercy, to have the females taken out of the room over the Hospital, for the interests of the State, and for the moral effect. Think, from what I have seen, the state of things bad. Attention of Pilsbury and daughters to the sick, when under the elder Pilsbury very humane. Expressed much interest for the sick, sent them things.

"I was there when the Prison was building. Was there once or twice a year, from one to five days at a time, from the erection of the Prison, till now.

"Administration of Prison, very successful with few officers. It is very necessary, to have harmony among the officers, but have nothing to say about this.

"There was an instance of a convict feigning himself sick, to the elder Pilsbury; went with Mr. P. to see him. Mr. Pilsbury proposed whipping him. I was rather in favor of it. He did not do it. Convict went on from day to day. Low diet, bad bed, &c., brought him to his senses.

[Tells a story, about a convict in Massachusetts States Prison.]

A Physician should never do his business by proxy. Necessary that a Physician, should attend and do it himself, very improper by young men. If he was a Warden he wouldn't submit to it. Number in the Prison last Saturday, I thought rather large. Clothing for prisoners is very important. No change in clothing on the Sabbath There should be a change; more economy here in the dress, than in any other Prison; Mr Pilsbury more remarkable in pecuniary results, than any other I have known. Prisoners should be furnished on leaving, with a good strong new suit. In Massachusetts State Prison, they are thus furnished. If they wear away their Prison clothes, it drives them to despair. Labor in constancy, exceeds any other Prison he has seen. Been struck with the labor, in making nails. The Prison in pecuniary results, stands at the head of any Prison in the world. Believe the Messrs. Pilsburys are the only persons who can show good vouchers so far as I know, that they have paid money into the Prison beyond expenses. M. C. P. stands at the head, so far as I know; the first man in the country for this business. In fall of 1828, came and tried to get M. C. P. away from Wethersfield Prison, to go to Charlestown, at a salary of $1500. Directors said at Wethersfield, it must not be done. Amos Pilsbury's salary, is $800. In Charlestown Prison, the salaries of the officers performing Amos Pilsbury's duties amount to much more.

I was at the Prison, in 1827, I think I was there in 1829, but am not certain; I can't tell dates, without reference to dates; I believe I was there, when A. P. was Warden of the Prison. Think I have been at the Prison more than four times, but am not confident.*"

John S. Peters.—"I have been connected with the Prison, from its commencement to May 1830; was associated with Russ and Welles, throughout. Did not visit the Prison as frequently as the others; usually

* The Counsel for the State supposing the testimony of this witness had no bearing on the case, did not take minutes. For the preceding sketch reliance has been had principally on the notes taken by Counsel for Mr. P.

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staid with Pilsbury over night. I did not discover any errors in the administration, of the elder P. Have not been at the Prison as Director since Amos was Warden. My knowledge was only a general one. Some things not as they should be, but rem died. Was there with Dr. Woodward in Aug 1829; some were afflicted with a diarrhœa. One advanced to a considerable degree and proved fatal. I have no knowledge of M. C. P's treatment of the sick, except a very general one; thought him humane; can't say how he conducted when I was absent. From the time Russ, Welles and myself were associated, to my leaving the board, (about six years,) the utmost harmony of views and feeling prevailed; there was entire cordiality; every effort was made to promote the prosperity of the Institution. I do not think that we ever took any measure upon a divided vote, except the appointment of Amos Pilsbury as Warden. Judge Welles was in favor of Andrew Dennison, the former keeper of the old Prison, who was recommended very highly by Elisha Phelps, Luther Loomis, and many others—indeed all the Directors had the highest opinion of Mr. Dennison, as will appear from our Report of 1830. I believe however, that after Russ and myself agreed to appoint Pilsbury, Welles signed his commission. [Clause of the Report of 1830 read.]

[Speaking of the appointment of Mr. Amos P. the Directors say that "having due regard to the various circumstances it was thought best to make the trial. There were other persons recommended for the office. *One of whom, (Mr. D.)* on account as well of his high standing and experience as the character of the gentlemen who recommended him we might have been inclined to have appointed, had the application been more seasonably presented.]

"Pilsbury wished to appoint his brother in-law, L. R. Welles to be Deputy Warden. Judge Welles thought the appointment not expedient, on the ground that he had no experience, was not a business man, and was a connection of Pilsbury. The board did not think the appointment proper. One West was finally appointed. I never weighed the rations; have been in the cook room and once or twice weighed the food in the kids in 1828. We never examined particularly to see that the established rations were delivered out. Never examined the amount of provisions purchased, and divided it among the men to see the average. Took it for granted, they were all delivered when the correspondence passed between us and Pilsbury in March, 1830.

"Should think the disease in 1829, had got ahead of every body, Physician, Warden and all; should think Botsford was brought from the shop to see me and Dr. Woodward; bowels and limbs greatly swollen; was very sick. Did not hear Dr. Woodward complain of Warden. Do not recollect that Judge Welles objected against Amos Pilsbury, that he had not done the duties of Deputy Warden well. John C. Pilsbury was the overseer of carpenters shop, and is the brother of Amos Pilsbury.

"As to the employment of convicts in the family of the Warden, as domestics, Judge Welles always objected to it as illegal, and improper; the other Directors neither approved or disapproved. I have seen Colton and Champlin, two male convicts out of the Prison, but not together, and also at work in the Wardens family. Male and female convicts, were together in the Wardens kitchen. Know of no restraint upon them; believe Mrs. Mansfield escaped from the Warden's kitchen; do not know that the Warden ever allowed any thing to the State for services of convicts; had no other domestic help that I saw; cells had been partitioned off for the females in which they were placed when they were first brought from New Gate; there were but four, and I think they were kept in the cells until taken out by Mr. P. and employed in his family, or about the house. Cooking for the females was done in the common kitchen; had the same rations with other prisoners. We set out with the principle, that there should be no perquisites about the Prison; and told Mr. Pilsbury so, when he first came on. He said he did not mean to employ the convicts and should only do so till he could get other help. Think the bye-laws were established in August or September 1829. Dr. Woodward appeared before us, and made some statements as to the condition of the sick. Hospital regulations drawn up by Judge Welles and unanimously approved; when they were communicated to Pilsbury he seemed dissatisfied, said they would make much trouble. I never said to the Warden that he need not obey the bye-laws; supposed he would of course, obey them till repealed. I approved of the Hospital regulations, and think they were highly necessary. Judge Welles prepared the code of bye-laws, and took a very ac-

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tive and spirited concern in the Institution, and felt a deep interest in its prosperity.

I examined McCarty, then sick in the hospital, with Drs. Woodward, and Fuller, two years ago last March. We examined him with an instrument, by which we discovered, that his lungs were very much diseased. The case was, obviously, a fatal. one. He was pardoned out in May. I have witnessed the manner of Mr. Pilsbury the father toward the Prisoners. Moral treatment good. Dr. Woodward as a physician undoubtedly stands in the very first rank—should have great confidence in him and in his opinion.

[The Corespondence between Mr. Pilsbury and the Directors alluded to by this witness was here read. The first letter was from M. C.P.the father and address to the directors dated Jan. 1830 "resigning the office of Warden on account of ill health and expressing his gratitudefor the favors he had received." The second letter was from the directors to M. C. P. dated March 8th, 1830, expressing a favorable opinion of his services and a hope that he would review and perhaps change his decision with regard to leaveing the Institution.

The third Letter (which closes the correspondence) was from M. C. P. dated March 12th, 1830—and addressed to John Russ, John S. Peters, and Martin Welies, Directors, &c.

It alludes to the reasons suggested in the letter of the Directors—to his original determination to hold the office but two years,—and his consenting to hold it another year,—and then proceeds. "But with respect to myself, I feel that frail nature is giving away; a view of which in some measure will be I hope considered as a mantle of charity, to cover my many failings and errors and *would here again beg leave to proffer my acknowledgement with gratitude for the many favors and kind treatment which I had received from the Gentlemen composing the board of Directors.* He also further remarks, "that I do not feel able to sustain the load, and would beg leave to ask not to have the subject pressed upon me as I see no reason why I should alter in my views."]

Eli C. Burnett—Commenced as a watchman April 21st, 1831, and remained till Sept 7th. 1831—visited different parts of the Prison, and examined the cells frequently; have seen meat, bread, and potatoes in the cells both before, and after Matron did cooking; often been through the shops; saw nothing amiss; thought Mr. Pilsbury was kind; have known Mrs. P. put a cup of tea and a peice of pie in Deming's cell.

Anon Smith once clenched me and came near throwing me off the gallery; have known him leave the ranks when about to be put in; have heard him cry out "murder" when forced in.

I have seen tar in the water cans, in the cells in one instance; prisoners well, so far as I know.

Mrs. Pilsbury requested me to get some beans for her, from prison beans one Saturday night, which I did; Have seen Mr. Tuller cutting up rails, poles, &c. and carry into the female department, also have seen chips carried through the guard room into the Warden's house; the same sort as those thrown outside the yard; never saw this but in few instances, to my recollection; I was never present at any intercourse, between A. Pilsbury and the sick have heard him talk to them, in the Hospital, and in the cells.

Daniel Flowers.—Commenced April 1830; Stopt Jan. 29th. 1831.

Returned next September 7th, day and remained until the last day of last Sept; used to see the rations put out on the Sabbath; divided as equally as could be.

Females in the old department when I left January, 29th, 1831. Cooking for the sick females done in the dwelling house.

State's wood burnt for cooking and washing. One of the females from out of the Prison down and washed; washed seperate.

Saw Mr. Welles one morning; Mr. Welles wanted to know, when on the new building, what they were doing; I told him digging a well. He said, he was glad of it; it would be worth one hundred dollars to the Institution.

Temperature of the hall, always comfortable, directed to keep up a good fire.—I was desired whenever they rapped in their cells, to attend to them; heard no complaint in the night. Perhaps when first come from the shops, toes cold; I had no occasion for Blankets; I had a coat, I think they were warm enough, with their Blankets. The air I think no worse, than at the Retreat. Should not think it worse than any common lodging room; Night air in the cells and Hall, think rather worse than in common lodging rooms; used their vessels; I saw no ice there.

Mrs. Pillsbury got flour, and meal from prison stores, for sick prisoners; Mrs. P. attended sick females; occupied much time. Food for the sick, furnished from A. P's. table; A. P. had beans cooked not

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more than once a month. Water was rather bad; tasted and smelt bad. I think it was a fortnight or three weeks, after the water began to grow bad, before the new well was dug.

Convicts on new Prison, worked well. Place was a foolish fellow; Judge Welles there frequently; nearly every day; overseeing the building; chips about there; Slocum used to come out and carry them in.

Havens said they were his, and wished Slocum would let them alone; threw chips over the Bank in summer, only such as were wanted in cook room; heard Pilsbury tell Tuller he wanted wood measured to be replaced; told me if I took any thing to weigh it, so that it might be replaced; when cooking was done in old cook room used chips there.

Cross Examined; I saw no wood on the fire in Captain's kitchen except for females up stairs; There were no chips thrown over bank that would do to burn; Pilsbury had a male and female convict in his constant employment, sometimes he had one convict and sometimes another out cultivating his garden; garden work all done by convicts for him; I did not often drink of the bad water; can't say it grew gradually worse; can't say I drank of it in ten days before new well was dug; can't say how much of new well was dug when I had conversation with Mr. W. can't say how often Pilsbury used meal for porridge; never observed any meal on its passage from store room to the house; can't say whether the prisoners were at any time supplied with other water except from bad well; never heard any complaint of water; have stated to Mr. Pilsbury's Counsel the facts I should swear to; never told Pilsbury what I should say, Hungerford and Shepard asked me what I should testify to.

I have signed a certificate drawn up by Leonard R. Wells, Pilsbury's brother-in-law. He came to me in Massachusetts; dont know that he had any other business except to inquire about my health, he asked me some questions, and then wrote certificate. When the air was very bad in the Hall we used to open the windows in cold weather, to ventilate.

Daniel S. Purdy—[Objected to by counsel for the State, on the ground that he was one of the persons, who it appeared by the testimony was more implicated in the abuses than any other individual except Pilsbury. Objection overruled and witness admitted.]

"I went to the Prison April 26th 1830, as overseer of chair shop and continued in that capacity till February 1st 1831, then appointed Deputy Warden and continued in that office to Sept. 11th 1832; while the cooking was done in the old cook room it was my duty as Deputy Warden to weigh out rations. This I always did, except three times until the cooking was removed into the female department in May 1831. I had charge of the rations about 4 months; I began a book called rations book in February 1831; none kept before; I made oath to the correctness of entries. Before I was Deputy I used to see the rations; I thought them sufficient; men in my shop sometimes kept provision in draws in the shop. Last winter I did duty in the hall a few times for other officers; it was very warm; saw no ice in the hall, have seen it melt there when brought in. I have tried the thermometer, have known it at 39° in the morning, warmer in the evening. Fire built in shops half an hour before daylight; warden always told me to be particular to report the sick; told me to get what was ordered by the Physician from prison stores and if other things were wanted to go to his table. I have seen the warden attending to the sick; have seen him in the Hospital, and in the cells making enquiries; never knew any convict threatened with punishment if he complained of being sick. A prisoner by the name of Barlow from the shoe shop had been complaining for a long time, and had taken medicine. He applied to the Doctor in the hall one day; said he was not as well as he had been. The Dr. ordered him pills (nitrate of silver) stronger than those he had been taking. I thought I would try an experiment; I told the nurse to prepare 60 pills of bread like those which the Dr. had ordered, and give them to Barlow. He took the bread pills two days and I then gave him the medicine the Dr. had ordered. B. said he felt better. The Physician was not informed that bread pills had been given until some months after this; Mr. Pilsbury told me I had done wrong. B's complaint was palpitation of the heart. Fresh beef or salt fish had been ordered for Deming who had been a long time in the Hospital; he said he could not eat salt fish, and we were out of fresh beef. I went to Mrs. Griswold to cook something for Deming, she said she had no fresh beef, but would freshen some salt beef and give him; which she did, but he said he could not eat it.

The temperature in the hall on the 2d

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December last between 6 and 7 o'clock in the evening was by the thermometer at 50°, warmer in the evening than it had been through the day. At another time when it stood below Zero out in the yard, it was at 39° in the hall.

On the 2d of December there were only three in the Hospital, Guinea was one, John Whitman another, he was lame, and Curtis who had a cold and fever; no other in that day but these three. I saw also an entry made by Judge Welles in the director's book that the furnace did not appear to operate well, not as well as formerly. The air then came in from without and it operated well—very well. Our coal was a little harder than formerly and did not burn so quick as formerly. Mr. Pilsbury was at the prison on the morning of the 30th of Nov. I drove him to Hartford to take the stage for Boston.

When Dr. Woodward came to the Prison, Deming complained that he had not had the nourishment prescribed for him, and showed him the salt beef which had been freshened for beef stake. We made an explanation to him. I do not recollect that he found any fault. I have often seen the cans of the prisoners out, when it rained, catching the rain water.

I have known the warden buy meal for his family; I have weighed it when the miller come. It was sometimes carried in from the yard; meal used to be taken sometimes into the house for sick prisoners; prisoners sometimes had vegitables from the garden; when the cooking for the sick was done in the house, used to get shavings and wood from yard to burn in Warden's kitchen; States wood was burnt in Capt's. Office, and also in Chaplain's room; cooking was removed to female department in May 1831; before that I have seen food for sick carried from Capt's table occasionally. In one instance understood it was for Simons; Simons died before I was Deputy W.; I know nothing as to the entry made respecting 'bread for Simons'; never knew a prisoner compelled to work when sick. I once took bed and bedding from Wesly, because he made a noise in his cell; In the morning I went to shoe shop and found him leaning down. I put my hand on his shoulder, nothing more; he did not complain of being sick; I asked him what was the matter; he said nothing, but seemed cross; I told him to go to work. Taking away beds and bedding is a common mode of punishment for not doing task and misconduct. If prisoner submitted bed returned.

I used to see the waste from the prison and from the Captain's kitchen; I thought Mr. P's was worth the most; it was sufficient for at least 4 hogs; I told him I thought he would do better to keep them separate; there were kept two hogs owned by the State and two by A. P., all kept together, and fattened upon meal from State stores. Mr. P. kept one cow, but did not make butter. Female convicts were not in Warden's family a long time while I was Deputy Warden; I did not know much about them before. There was a male convict employed who did errands &c. and assisted in working in Captain's garden. Capt. often set up late nights writing &c.; have known him ride in the night; thought he was kind to the sick; I have given Mr. Pilsbury a certificate.

Judge Welles requested me on one occasion to call on him at his house; I told him I would endeavour to, but was prevented and did not go, he repeated the invitation; do not know what his object was; do not remember that he said to me that his wish was to ascertain the condition of Thorp who was the contractor for the chair seats, as to his ability to pay what he owed the State. Believe that Thorp was then considerably indebted to the State. Thorp and myself married sisters; do not know that Thorp is insolvent, have understood he had put his property out of his hands.

In the fall of 1830, the water from well was not good; it smelt bad, did not taste so bad as it smelt, continued bad for some weeks; men complained of the water; well was pumped out, but did not help the water. I was then in the chair shop; I one day saw Mr. Pilsbury and Bement with a pole measuring; this was about 11 o'clock. The new well was dug very soon; can't say whether they began to dig before or after dinner that day; did not see Judge Welles at the well that day; but saw him next day in the forenoon with Dr. Woodward at the new well, while they were a digging. I have drank worse water; should prefer it to cove water; do not know whether the water affected the health of the prisoners.

Cross-Examined.—"Do not know about the prisoners selling grub to other prisoners, and making money by it. Never said Powell had sold it. A convict by the name of Smith brought to the prison with him, a silver watch. I believe I may have taken the watch and worn it four or five months. Smith did not give me leave to wear his watch. I wore it once to New York.—Smith's brother came in my absence for his

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clothes, and took them; and I understood wished to take the watch; and would have taken it, by the direction of Smith, if it had been at the Prison. Smith requested me to give the watch to Mr. Stillman to keep for him, which I did a day or two after Amos Pilsbury was removed from being Warden. I kept nothing but the watch. Amos Pilsbury was discharged from office, on the 4th Sept. 1831. I ceased to be Deputy Warden on the 11th same month. Derry, a prisoner, was re-committed, after an absence of two or three months, he was at the Prison once during the interval; don't know of his bringing two watches to the Prison, or of his leaving jewelry there. Smith said his watch was a new one, and that he gave $25 for it. I did not offer him $15 for it.

Question.—"Where did you go after you left the Prison as Deputy Warden.

Answer.—"I went on some business into Fairfield county; and was gone about a week or ten days. I afterwards went to Meriden, and was absent about a week. I left the Prison on Tuesday the 11th of Sept. and went to Fairfield county the Tuesday following."

Q. "How long was it after Amos Pilsbury was discharged, before you returned from the last of these journies." *A.* "It must have been about four weeks."

Q. "Did you not carry Smith's watch with you on these journies." *A.* "I did."

Q. "How did you obtain that watch."

A. "I took it to wear when I was Deputy Warden, and kept it in my possession after I was dismissed, and when I went these journies."

Q. "Was this the same watch which you say you left with Mr. Stillman two days after Mr. P. was discharged." *A.*—"It was."

Q. "Do you now say that you ever left that watch with Mr. Stillman until more than four weeks after Mr. P. was discharged, and until after you had been these journies." *A.* "I did not leave it until after."

Q. "Do you claim that Smith ever authorized you to take his property, and use it, either while you was Deputy Warden, or after you were dismissed." *A.* "He did not."

"I think Mr. P. was gone to Boston five or six days last fall. I am confident he left on the morning of the 30th, because I looked in the Almanac. I think I made my entry the evening after Mr. Welles made his; do not remember that I told him that Mr. P. left the 28th.

"Dr. Woodward did not complain that his medicines did not have their effect. Barlow said he was better; did not take bread pills but two days. I had 60 bread pills made; the same number which the Doctor had ordered of the nitrate of silver. I did not tell Dr. Woodward of the experiment. I did not think Barlow feigned sickness. His old complaint returned upon him when he was out of pills. I thought he might be some sick; he labored well when he had the pills.

Q. "How came you to discontinue the use of bread pills after two days, as you say that you had 60 made; and the prisoner said he grew better on your medicine." *A.* "I do not know that I can give any particular reason.

Q. "Had not Dr. Woodward discovered that the prisoner was running down for want of his medicine, and had you not become alarmed lest your imposition should be discovered?" *A.* "I do not recollect that Dr. Woodward made any complaint to me at that time. I always obeyed the orders of the Physician as nearly as I could."

"I once saw an entry upon the Hospital Record made by Dr. W. that his directions with respect to the sick were not complied with. In conversation with Dr. Woodward, he said to me, this is not the first time that my directions for the sick have been disregarded; and then mentioned the bread pills. At my request he erased the entry from the Hospital Record.

"At the time Judge Welles made his entry as to the cold, he proposed an alteration in the furnace, to make it burn better, by giving the pipe a perpendicular direction; it was then horizontal. I never told any person that the furnace did not burn as well as formerly. After furnace was altered, it burnt better; draft was better. There was at this time no fire in female department.

"Wheeler was in punishment for not doing his task; kept him in his cell night and day without bed or bedding; think he was confined three days and nights in this manner. It was cold weather; beginning of winter, or last of November. Never told him he might have his choice, to do more work, or be shut up in his cell without bed. His sister called to see him while he was in punishment; brought him some cake. He complained of his side. Physician saw him and ordered a blister; he had on a blister once or twice. Niver was put into his cell

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for punishment because he did not do his task; was deprived of his bed and bedding several days and nights; this was in the winter of 1831; was cold weather; punishment in cold weather was considerably aggravated; men had nothing to sleep on but stone or brick floor of cell. He complained of sickness. Dr. Woodward prescribed for him; this was after he had been in punishment without his bed or bedding. Dr. Woodward did not say to me to return him his bed; though there is an entry in Hospital Record, '*Give Niver his bed.*'

"I never kicked a convict down stairs, I once pushed Treadway down stairs. I did not strike French in the face with my fist. Tompkins had a swelled hand; was lame a long time, and he consulted the Doctor about it. The skin was not broken; it appeared to be bruised. I did not kick him on his hand when it was on the bucket, to my knowledge; *don't know but I kicked at him.*

"Whitman had chilblains in the fall; he was in the chair shop; comfortable shop.

"I weighed out meal for Warden four or five times, while I was Deputy; weighed out some in the spring and summer of 1831; can't say I weighed out any before the matron did the cooking; don't know but I might once. When I went to New York in August last, I carried Thorp's account with me; there was over $2000 due. Pilsbury told me to get the money if possible. I could not get the money; and took a note signed by Halsted, who was Thorp's surety, and indorsed by Van Buskirk for $2000, payable in three months. Thorp did not sign the note with them. He said that he had assigned his property, or a part of it, to Halsted. I went down on this business, to get the debt settled. A. P. did not say to me, he thought it a dangerous debt; he paid my expenses for going down; told me to get a good note, if I did not get the money. Thorp said it was difficult to collect money; don't know whether Thorp is insolvent or not; believe he had assigned his property, or a part of it."

Thomas K. Bement. Commenced duty at the Prison, March 8th. 1829, Left Nov. 24th. Returned May 10th, 1830, and now remain there in charge of chair shop.—From 12th, Oct. 1830 to Feb. 1st, 1831, acted as Deputy Warden in the place of West who was sick; I was also Deputy at other times.

Water was bad in the fall of 1830. Forepart of September before I perceived it. It was brackish-salt. I had the impression there was a leak from the drain of the cellar. It must have been bad five or six weeks. Whenever we had a time of wet weather it became worse. Got quite bad in the month of September; some smell for some time before. Water was pumped out; can't say how long this was after it became bad. It did not remedy the difficulty. Amos Pilsbury and I measured off for the new well; I was at it occasionly while digging; I can't say either way about the agency of Judge W. in causing well to be dug.

Weighed out the rations while Deputy Warden; they were divided out by the head cook. I saw the rations divided on the Sabbath. In 1829, I frequently saw M. C. P. [the father] in the hospital; I had not a chance in 1829, as I have since, to know how the sick were treated. Food was carried through the guard room to the sick; I reported faithfully to the Physician when I was Deputy Warden.

I attended in the hall every 3d night from 1-2 past 7 to 11; last winter. I was warm enough for comfort. I had on a box coat.—Had orders to attend to any knocking made at the cells. Had no complaint of cold feet. Have the impression that they could not have been frozen in the hall. Whitman complained about his feet as early as Oct. or Nov. He said they had been frozen some time since. Fire in the shops about an hour before we go out; go out 1-4 after 7.

Once weighed two bags of meal for A. P. one of rye and the other of corn; Separate bills made out, A. P. in the fall bought six bushels of corn; I can't tell what time I weighed the meal. It was while I was Deputy Warden.

Never saw any instances of cruelty to my knowledge. Have seen beans carried into the family apartment frequently; this was before the matron took charge; don't know that the beans were ever returned. Cooking for sick males done in the prison kitchen; can't say where the cooking for the sick females was done.—I supposed in the kitchen; washing for them I know was done there.

Chores were done by the convicts; Directors waited on; wood brought in; beans were taken from the State stores in quantities adapted to the size of A. P's. family; meal was also taken from the State's Stores for the hogs for five or six weeks.

Convicts were employed in Mr. P's. fam-

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ily. The females were under no restraint more than other domestic help. They were about the house with the male convicts and the men who were acting as guard.

Cross examination; Waiter would come and say he wanted beans; I would go with waiter and get them. They were dipped up, not measured, in about such quantities as would be sufficient forthe Captain's family; In the fall of 1830 had four hogs; They were fed five or six weeks from State Stores. The buckets of the female convicts were emptied by an out door convict. I have seen two convicts in the family garden at work. Last Spring saw Hopkins and Root, out.

"In 1831 Pilsbury had out two females. When they were out, I don't know of any restraint that they were under. Have known convicts sent to A. P's. nearest neighbor for milk and also to carry the children to school. Don't remember the windows being thrown open when there were sick in the cells.—Windows were opened at the end of the block of cells. When Whitman's, feet were shown me they were both swollen pretty full. No frost in the cells. Never examined the blankets particularly. Men not ragged last winter; clothes patched; nothing mentioned of Judge W. having measured off the ground for a well. Some of the stones for the well were taken from the outside of the yard. The hands began to dig soon after breakfast, as I think, am not certain. William Thompson head cook when I was Deputy Warden. It was my business to see to rations. I did not always weigh them personally. I did not enter the rations weighed out or keep any account of them. No book of rations kept while I was deputy Warden and none by West. No book handed to me and I was not instructed to keep a book of rations.* Never heard, or supposed that the beans were used for the sick; supposed for the Capt's. family. Whitman was in punishment about Thanksgiving, November 30th, 1831. He was in his cell for punishment and bedding taken away; it was the uniform rule.—Whether he went from the shop, or the cells to the Hospital don't know. It sometimes froze in my shop in the morning".—I said to Purdy, that we could not go on with business without more warmth; Niver was taken from shop for punishment. Should think in December. He did not do his task. No recollection that he was in the Hospital, did not come back into my shop. If a man did not perform his task I stated it to the Warden. Niver's bed and bedding taken from him; always taken from thos who were in theircell for punihment. If any windows except those at the end, had been opened, I think I should have seen them. Whether the removal of the stove, was for the best, can't say. The heat was perhaps greater, but the air was not as good as when the hall was ventilated by it;—sometimes very bad. Some complaint for want of heat."

Nathan Kelley. "Went there in Nov. 1830 as overseer of shoe shop and remained till 11th, Sept 1832. I reported the sick to deputy Warden and he took them to Physician; treatment of sick was kind, so far as I saw; know nothing of the treatment of Botsford, Fagan, Fedinand and McCarty; died before I went to prison. When I heard a rap on cell door, I always found out where it was. Thought hall and cells were comfortable, had no call for additional clothing; was in the hall by sunrise generally: windows were opened on South side, East end. Thought the rations were divided equally, so far as I know; have seen food carried through guard room which I supposed was for the sick. Contractor furnishes fuel for his own shop. J. C. Pilsbury who is overseer of Carpenters shop, married the daughter of my wife. He is brother of A. P. we have had some disorder in my shop some scuffling, I have been taken down and rolled on the floor by the Prisoners in the shop sometimes; Somers was in my shop, he worked there till within a fortnight or three weeks before his death; he was in punishment for injuring his work last winter. Bed and bedding taken from him, lay upon stone floor in the winter, his head and face were very much swollenbefore his death, also his neck; he went into hospital. I reported him to the warden for injuring his work; he shut him up in the cell; can't say how long he was there, I dont know wheth-

*Section 4. Rule 2.—It shall be the duty of the Warden to designate some person who shall be employedat the prison to see personally, that the various rations ordered by these rules are weighed or measured for the day, according to the number of Prisoners, and delivered to the head Cook; and he shall keep an exact account of all such rations, so by him delivered, and shall under oath, render the same quarterly to the Warden, under his hand, to be by him laid before the Directors.

†This By-law it seemswas disregarded for about one year, and is the rule alluded to by Mr. Welles, in his entry of June 14th, 1830. p.28.

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or his punishment had any connection with the disorder of which he died, or not, I can't tell.

Charles Clapp. 2d "I worked upon the cells as a mason. In building the addition to the Prison in 1830, I took the contract for laying the brick, for the cells; contract made with Judge W.; I afterwards took in Woodhouse as a partner. A. P. was warden. We hired some of the Prisoners of Mr. P. they worked well; did a good day's work; I was satisfied with their labor; know of no evidence that they were hungry or were not sufficiently fed; I had as lieve have them, as to have other people.

"I did not conceive there was much difference between my men and thoseoutside. I have seen the prisoners cook potatoes in the lime when slacking, and eat them; have also seen them cook liver and lights, and root of the tongue; that part which was cooked they would gnaw off, and put the rest away. They got the liver and lights and offal from the yard, when they were butchering. I hired a white prisoner by name of Converse; two blacks; Harding Amy and Place, who is rather foolish. Never saw them cook and eat guts; never told any person that I had seen them do so. Judge Welles applied to me for a certificate and prepared one which I did not think was right, in some respects. That I had seen A. P. in liquor and that I had heard the prisoners cry from their cells because they were hungry.

"When A. P's. child died; he came out to the part of the prison where I was at work his face was red, and his eyes looked as if he had been weeping; Mr. W. and Woodhouse were there, the former asked me if I did not think P. was in liquor, I saw no appearance of his being in liquor; the application to sign the certificatewas last spring; he told me I had said that P. was in liquor, and that Thomas, and William Havens, Woodhouse and Hills had signed a similar certificate. I told him I had rather go to New Haven and testify than sign any certificate; never saw any suffering among the convicts; I was present most of the time, Woodhouse my partner was also there.

"*Cross Examined.* I was at Mr. Welles' house, Sabbath evening; I told him what I knew, and he wrote; I can't say whether he wrote from my lips; he merely erased two words. I think it was in it, that Prisoners were not well fed; can't say certainly what else was in it, don't recollect certainly that he did write that evening; only erase out, or cross out the lines; I am sure I saw some of the lines erased out: I don't know whether I objected or assented to any other part of the certificate. I heard Mr. Welles say that the two Mr. Havens, and Mr. Hills, would sign a similar one. I used to bring food to the prisoners, from my own table, also crackers &c."

"I never said to James Smith that I had told two stories, and that, that was the reason that I was not willing to sign the certificate. I never told either of the Mr. Bucks, or any other person that Pilsbury had settled with me on my own terms, and that I was satisfied, and I could not now say I was dissatisfied; or that my mouth was sealed or closed, or any thing of that purport. I never spoke to Mr. Galpin about the certificate; or said to him, or any other one, it was correct and that I was willing to sign it, or would sign it. I never told Dr. Woodward or his family, or any one else, that the prisoners were hungry or starved and could not work, and that they had cooked guts in the lime and eat them. Never said Samuel Welles was better and could do more work than half a dozen, or any other number of them. I never complained to Mr. Pilsbury because his men did not work better; or that they were hungry; never found fault because they did not work better. *I heard Pilsbury say, that Judge Welles had treated him as kindly as a father.* I signed a certificate to that effect. I never heard the prisoners complain of the water, dont know whether the water they had was from inside, or outside the yard. I never told Pilsbury, I must have other hands—that they were not fed. I fed the prisoners pretty constantly, the latter part of the time; they complained of hunger; worked better when we fed them; have no recollection that I said that when A. Pilsbury came out to us after the death of his child, that he talked in a 'joking manner."

[One of the counsel here informed the Committee that every statement made by this witness (Charles Clapp) 2d was false, as would be proved by subsequent testimony, and he gave Mr. P's. counsel this early notice, that they might sustain him if they could. Four certificates were here produced, one certificate signed by Thomas Havens, one by Wm. Havens and one by David Hills; and one by Charles Clapp 2d, the witness; this last certificate had an erasure of a few lines near the middle. Neither of the said certificates had any reference to the treatment of the prisoners

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or the conduct of Mr. Pilsbury; his name does not appear in either of them; they all relate to the services of Mr. Welles as a Commissioner in building; set forth those services and the time he spent and were intended tobe used before the Comptroller in the settlement of the Commissioner's account. The several persons who signed them had all been employed at the prison in building either as carpenters or masons.—These several certificates being the ones alluded to by the witness,and the only ones signed by either T. or W. Havens or Hills, were offered in evidence and rejected by the Committee. Two of them are inserted the other two are of a similar purport.]

Certificate of William A. Havens.—"I do hereby certify, that I was concerned in getting the roof for the Prison; also for the kitchen, and making the galleries. I commenced work in July, and worked at different periods, as the occasion required, until about the 1st of January, 1831. During all this period, I found Mr. Welles superintending the labor; getting materials; arranging the different parts of the building; and contriving and calculating the manner of constructing. I do not know, or believe, that a single direction was given by any other individual. I occasionally saw Mr. Russ present. and once inquired of him, (in the early part of August, I think) respecting the stairs in the female department, and he answered that he knew nothing about it, and *should* leave all to Mr. Welles; whenever Mr. Russ and Huntington came, during the absence of Mr. Welles; after walking about the premises, they deferred doing any thing until he should come; I know that he made all the computations as to the prices of the roof of the main building, because I saw them in his hand-writing, and upon his estimates the bargain was made. He also made the contract for the kitchen roof and the gallery. The schedule mentioned in Mr. Huntington's draft of the contract, was made solely by Mr. Welles, and was a work of great labor. I saw Mr. Russ more frequently than Mr. Huntington, and know of no business done by the latter, except procuring some lumber for lock blocks, and for lentals. The timber was not adapted to the work, and was not used for that purpose. I should think I saw Mr. Huntington about once in three weeks; and not oftener; but never knew him take the least order respecting the business.

"WILLIAM A. HAVENS."
"*June 11th*, 1831."

Certificate of Charles Clapp, 2d.—"I do certify, that I commenced work at the Prison about the first of August, laying floor stone, &c. and began the cells about the 10th or 12th of August, 1830. I also certify, that I commenced the laying out the cells, and should have been unable to have completed it without the aid of Mr. Welles. My contract was made with him, and he superintended the work from my commencing. I remained at work at the Prison, until about the first of January, 1831; and during all that period, he gave, as it appeared to me, a pretty constant attendance at the Prison, and generally the whole day, being usually early upon the ground, and the last to quit it. I received my directions from no other person, and the care of furnishing materials, arranging and contriving the business, and keeping every part of it a going, appeared to devolve solely on him. I occasionally saw Mr. Russ present; but in no case, so far as I observed, had Mr. Huntington the least agency in contriving or executing any part of the work, and the only instance in which he manifested any connection with it, was in enquiring of the workmen, whether Mr. Welles was at his post in good season in the morning. For a great part of the time of Mr. Welles' agency, there were employed at work for the State, from twenty to thirty men, and frequently many more. The whole were under the supervision of Mr. Welles, and I do not believe that the workmen took a single direction from any other individual. The whole brick work of the cells was completed before the 10th October. I did not even know the person of Mr. Huntington, until after I had been at work at the Prison for some time. Mr. Welles computed the quantity of brick laid, and settled my account. I also made with him the contract for the plastering. Mr. Russ paid my bill after it had been settled by Mr. Welles.

"CHARLES CLAPP, 2d."

Sylvander French, called by A. P.—"Went to the Prison as a watchman in 1827; and have continued there ever since; am still there, in that capacity. I never observed any thing in particular, as to the men's being abused unreasonably. Food distributed equally so far as I saw. Some did not eat all, and it was given to others. The hall around the cells is a chilly place; is cold. It is necessary to be warmly clad. A man wants a pretty thick coat, to keep warm. When men were shut up in their cells for punishment, it was customary to deprive them of food; but not if they were

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compelled to labor. A man might perhaps keep comfortable in the cell, if he had suitable bed clothes.

"Air in the hall, more impure last winter, than ever before, on account of cutting off supply of external air, which was formerly thrown in by Fowler's air heater. It was extremely offensive, after the stove was so removed, that we did not receive a current of heated air from without. After that there was no ventilation, except through the windows, by raising them. I was not so situated, as to know much about the treatment of the sick. A watchman cannot tell much, how the sick do fare. I saw nothing out of the way particularly. I know nothing, but that the prisoners had their rations; never saw them weighed. I should think however, they appeared small at first, for two or three years; larger after 1829, than before; there was more left in their kids latterly, than formerly.

Cross-Examined.—"I was obliged to wear in the cold weather, last winter, a blanket, socks, and mittens, while doing night duty in the hall, and was sometimes cold, notwithstanding. The air was towards morning, very bad; so bad, that it made me sick at the stomach, and I was obliged to raise a window, to get fresh air to breathe. Much worse the last winter than ever before. The air was considerably pure, while the hall was ventilated by the air heater, and I thought quite as warm. It did not draw as well the last winter, before it was removed, as the winter before. I cannot tell, whether the men suffered or not, in their cells, from cold. I should say that they would have to lie pretty close to their straw beds, to keep warm the last winter, considering the state of their blankets.—The blankets were thin, short, and ragged; pretty much worn out. The blankets are much better now, than at any time last winter. The matron has thoroughly mended them; and put two or three together, to make one. The new blankets procured by the present Warden, (Capt. Montague) are much larger, and thicker, than those procured by Mr. Pilsbury; condition of the men altogether better as to blankets, than ever before; each man has now a pair of coarse sheets, since the present Capt. took charge. It has been the practice to put the best blankets into the lower cells; those are the only ones which are seen usually by visitors; lower cells are swept oftener than upper ones; meant to keep the lower tier of cells so as to appear well, as every body saw them. Visitors very seldom saw the upper cells, perhaps never. No more difficulty in keeping upper cells clean, than lower ones. If extra rations were left, they were given to those in the lower tier of cells. Very chilly in the hall, when frost was coming out in spring; at that time, extremely disagreeable, cold, and damp. It was the practice to raise the windows during the last winter; more or less open for several hours. I think the men who were in the cells at this time, must have suffered; could not be otherwise. They also must have suffered when they were taken into their cells to their meals. Often very cold when they were taken from their warm shops, and marched in to attend service, &c. Men appeared to be chilly; shivered and trembled; hall not as warm in the day time, as at night; wind blew in very cold through the windows. I don't know that I have heard them complain to me of being cold in the night; could not have relieved them if they had complained. Mr. Pilsbury was in the habit of feeding his hogs, as well as those which belonged to the State, on the meal purchased for the prisoners. They were thus fed with this meal, for a month or two, before they were killed, until they were well fatted. This was always practiced by the father and son.

"Mr. Pilsbury employed the convicts, more or less, in his domestic business; his kitchen work was, I believe, *all* done by them; seen convicts at work in his garden; his family garden was cultivated wholly by them.

"Nichols had sheets in his cell for a year or two; could not have had them without consent of the Warden; or without his knowledge. I know of no case, when bedding, or clothing, was ever furnished by friends; can't tell how Nichols came to have sheets, while the others were denied them. His cell is the first one on the lower tier; is the one to which visitors would naturally first come. The condition of the men this season, is much better than it was last. I have seen men jump for potatoes, strive, or scuffle with each other, for them; have seen a man eat cattles feet, after they were boiled to get out the oil. Don't know that grub, (whatever food is left in the cans) has been sold; don't recollect that I heard Purdy, the Deputy Warden, say that it had been sold. One of the prisoners by the name of Powell, the waiter in the hall, had an opportunity of selling it; I know that he collected money from the prisoners, and

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took it away with him; a considerable sum. Money is not allowed to be in the hands of the prisoners; it is kept by the Warden; and whatever money Powell got, must have been by the agency of the officers. The order was better in the prison a few years ago, than latterly; during the last year the discipline has been running down; more conversation with each other, more disorder. This has been very manifest.

"Botsford was sick, and swollen, while at work; was at work three or four weeks, while he was swelled badly; was unable to work; went up stairs, with difficulty; bowels were much enlarged; fitter subject for a hospital, than a work shop. I should think any one who saw him, would suppose him unfit to work. It was the duty of Deputy Warden, to attend upon the sick.—Amos Pilsbury then Deputy. This was in the summer of 1829. Don't recollect much that I heard Amos Pilsbury say about hospital regulations.

"The discipline has been run down for a year or more; disorder throughout all the shops; prisoners conversing with each other. There was also talking from cell to cell. The Warden knew of it. Have seen the prisoners laughing, and making themselves jolly together. Have seen them get up in the shop, and scuffle. Not so much order, in marching back and forward from cells to shop.

[Mr. Pilsbury's counsel proposed to enquire into the present condition of the discipline under Mr. Montague, the present Warden. This was objected to, on the ground that the Committee had no authority to extend their inquiry, to any time since their appointment; that Mr. Montague was not before them. The objection was overruled, and the testimony admitted.]

"I should think at the present time there was about as much conversation as the last winter; about the same in going in and out of cells and shops.

"The present Warden has endeavoured to raise the discipline, and it is now an object of special effort. I dont know any instance where there has been a violation of rules, that he has not noticed and checked it. One convict was confined in his cell for four or five days for misconduct; his bed and bedding however were not taken away; that has not been practiced by the present Warden. When the discipline has once run down as it was when he took charge, it is very difficult to restore it. The habitual want of discipline, when new Warden was appointed, was a serious difficulty to him. It is hard to bring up discipline. The shop books would not furnish any information, on the subject of punishment, on the Sabbath. They only shew the work, and condition of the convict, for the six week days. The bed and bedding might be taken from a man on Saturday night, Sunday, and Sunday night, and an overseer would know nothing about it."

Charles Babcock.—"I have an impression that Mr. Welles handed me the correspondence between the Directors and Moses C. Pilsbury, which was published April 5, 1830; and I think the introductory remarks, were in his hand writing. I think they were not in the hand writing of Mr. Russ; am pretty sure."

Samuel Welles.—"Worked on new Prison for Clapp and Woodhouse. Place was there; saw him roast milt and liver, in the lime, and eat them. Had bread and meal by him; did not see him roast guts. The prisoners roasted potatoes also in the lime. The meat bound up with salt. Clapp complained that they did not do much work; said they got nothing to eat; when Clapp came after me to work for him, said the prisoners did not do much work; did not do near as much as I did."

Alfred Wilcox.—"I went in February, 1831, as an agent for Boyd, who hired some of the blacksmiths. I was not an officer of the Prison. Pilsbury paid me for a cover of a pot, or something of the kind. I did not see but he was kind and attentive to the sick; don't know much about the treatment of the sick; was occasionally in the Hospital. Discipline was good; better formerly, than now. One man, since Montague was appointed, refused to work.

"Judge Welles said, he thought we were paying too much for the hands; this was in the winter of 1831–1832, and after Boyd had made his second contract.

Cross-Examined.—"At the time I had this conversation with Judge Welles, I understood he called at the request of two young men, by the name of Dix and Robbins, to ascertain the cost of making hames; price of the stock, labor, &c. and the details of the business. He said that Dix and Robbins thought they could hire workmen at 70 cents per day, by the month; and he expressed the opinion, that free labor at 70 cents per day, was cheaper than convict labor, at 50 cents; the sum we were paying. I did not suppose the remark was intended to affect any contract for the labor of prisoners, as ours had been concluded a few months before, and had to run until the

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next October. The discipline fell off during the latter part of Pilsbury's administration. Have seen whispering and scuffling in the shops.

"I have not heard Judge Welles find any fault with Pilsbury. I heard him say that he was convinced they (the prisoners) had not formerly had enough to eat; had not had their rations; and that they were better supplied, under the matron."

William Smith.—"Have been acquainted with both Pilsburys since 1827. Have teamed it from Hartford to Wethersfield for them. Have seen the rations very often; thought they were enough, and good; never saw any odds in them; in and out of the Prison very often; three or four times a day: good order; very good discipline.—Have seen beef steak, tea, coffee &c. carried through the guard room, to the sick.—While A. Pilsbury was Warden, never saw any particular difference in the discipline of the Prison.

Always some whispering, when the overseer turned his back. Have seen more whispering during the latter part of A. P's. time; sometimes about the work, as it appeared to me. I don't like to state any particular time, but I have heard Dr. Woodward say, that the elder P. was very kind to the sick; said the poor in our Poor House, were not so well taken care of, as the prisoners; that the rations were sufficient. Poor families are not so well clothed as the prisoners; should not blame a poor man, for stealing a horse, for the sake of getting into the Prison.

The winter after Botsford and Fagan died Dr W. said they died of dropsy of the heart, and that they must have been long sick, could not tell how long. After the appointment of Amos Pilsbury, he asked me to go up into the Hospital, and see how comfortable the sick were. He showed me the beds, medicine and stores and said they were as well taken care of, as they would be among their friends. Heard Judge Welles say last spring, that Amos Pilsbury was a bad man; that he had abused the sick &c. Botsford he mentioned in particular. I asked him why he and Dr. Woodward only should know it. I told him I understood he had a document, respecting Pilsbury's being a drunkard. He asked me who told me, I answered John Russ.—He said he had several documents, and asked me to come and see them. It was very noisy in the Prison, about the time Capt. Pilsbury left the Prison; very noisy in all the cells. I have taken part in the controversy in favor of Pilsbury."

That part of the testimony of this witness which related to the conversations or opinions of Dr. Woodward was objected to as inadmissible unless for the purpose of contradicting him; now the witness does not state a single fact that purports to be a contradiction. Dr. Woodward in his testimony has said just what the witness imputes to him, that Botsford and Fagan, had been long sick and unfit to labor; that the established rations were sufficient, and that the condition of the sick was improved by the Hospital regulations, before which time they had no Hospital. It may be very true, that the condition of many of our poor in the Poor Houses, is worse than that of the prisoners, and this may have been Dr. Woodward's opinion, and does that contradict any thing he has said? The witness also says that Mr. Welles said last spring that Pilsbury was a bad man, and had abused the sick. No doubt he had good reason to say so; but what has it to do with the condition of the State Prison, or does it prove or disprove, a single fact? Does this Committee consider themselves to be sitting here, to inquire into the conversations Mr. Welles has had, respecting this Pilsbury family, who it appears have been attacking him through the Hartford Times for a year and a half? If it is proper to prove these conversations, it will of course be proper to show all the circumstances which led to them, the time when they were had; and the period to which they referred. It will also be proper, to swear witnesses to disprove the statements of this, and other witnesses, respecting these conversations, and when all this immaterial matter is gone through, we have not advanced a step in the inquiry which is the only one properly before this Committee. The objection was overruled and the testimony admitted.]

John Russ.—"Appointed as one of a Committee with Judge Welles and Governor Peters, to examine old prison in 1824, also Commissioner to build new Prison, and Director with the same persons, we acted together from 1824, to 1830. We employed M. C. P. to take charge in 1827, he was to provide for the sick from his own table, and charge the State one dollar per week. In October 1829, when the quarterly accounts were settled, we found he had charged the State $65, for boarding the sick. We then changed the arrangement which was originally intended to be merely temporary. We thought it better, that the sick should be provided for, from the Prison stores, in the same manner that other prisoners were furnished.—We made the change not because we were informed that any cruelty had been practiced, but because it was our original

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intention. When we met, we found a good many sick; went first to the Prison, then to Judge Welles'. Dr. Woodward who was requested to be present stated some facts respecting the condition of the sick generally. We were satisfied something ought to be done, and the Hospital regulations were then drawn up, and passed unanimously. Before this, Mr. Pilsbury had sent for the Physician, when he thought the men were sick enough to require one. We thought it better that the Physician should decide the question of sickness, rather than the Warden. The Hospital regulations are now substantially the same; the bye-laws were prepared by Judge Welles.

"I had doubted about introducing sheets, and told Judge Welles, I should not be willing to introduce them immediately. I understood that this was assented to by the other Directors, though I can't be positive. I told Amos, he need not get sheets at present, perhaps I did wrong, but I had the impression, a majority might suspend a bye-law, without a writing. I acted on that principle; can't say which of the other Directors agreed to any suspension. Amos was appointed Warden about the 20th or 21st of April 1830. We all thought that M. C. P. the father conducted the Prison well; that the books were well kept; we never found an error. He produced his vouchers for every thing; day book was the basis of our settlement. If the money was all credited, don't see how he could cheat the State. The books appeared to balance and we never thought of looking to see whether the balances were forced; possibly might cheat; we supposed all was right; never suspected any thing wrong.—Application to have M. C. P. go to Boston to keep Prison; we all opposed it. When we came to appoint Amos, Judge Welles was opposed to him. I had never heard of any cruelty he had practiced, or that he had not conducted well. Mr. Welles voted for Mr. Dennison, who had been recommended by Elisha Phelps, Luther Loomis, and many others. One of the objections made against Amos, was that he was too young, and I was of that opinion myself; another, that he was about to appoint L. R. Wells, his brother in-law as Deputy Warden, who was not a proper man. I was referred to several persons as to the character of this brother in-law; they thought him not fit; not a business man or a man of any force; a man by the name of West was appointed. Mr. Pilsbury however exceeded my expectations. Judge Welles thought he was not a proper person to be Warden, but I do not remember that he complained of any *specific* misconduct until about a year ago last spring, or that he ever mentioned his dissatisfaction with Mr. P. to any person but the Directors; saw the certificates in August or September 1831. In June 1831, I saw Dr. Woodward, and he stated that Pilsbury had treated the sick cruelly in 1829. I was often at the Prison; as often as once in three weeks, and in 1831 much oftener, but discovered nothing amiss. As to the water, it tasted like stagnant bilge water. (Mr. Russ here gives substantially the same account of digging the new well &c. with Mr. Huntington.)

"In the month of May, or June 1830, I received a letter from Mr. Welles during the Session, informing me that he and myself were appointed Directors, for the ensuing year; inquired if I expected to continue the present Warden in office, and intimated his intention to decline the appointment of Director.

[This was objected to, and it was claimed that the letter ought to be produced.]

"I went over to his house and conversed with him. He said if Pilsbury was to be continued as Warden he did not wish to be a Director; he seemed to consider the appointment an unfortunate one, perhaps alluded to his having been dismissed from the N. H. State Prison for misconduct, though of this I am not certain; said he was unwilling to have so heavy a responsibility upon him with such a man for Warden. I urged him to remain in the Direction, and assigned as a reason, that every thing had always gone harmoniously, and I thought it important that he should continue in the Board. I do not recollect that he assigned any reason, grounded on the official conduct of Pilsbury at the Prison. Welles finally consented to continue his services at this interview. He drew the Report of 1830, and most of the Reports. (This witness concurs with Mr. Huntington as to the rations and blankets.)

Dr. Woodward said West was not kind to the sick, but that Purdy was generally. I thought Purdy a good officer.

"The Hospital was at first used as a paint shop, there was some sickness in the summer of 1828, and the Directors thought proper it should be cleaned, and fitted up. It was cleaned out, but Mr. Pilsbury said he thought it was not safe. We asked him

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to point out what was to be done to make it safe, and he proposed a double grating. This was immediately procured, and the hospital prepared as he wished. I should think it was done in September or October, 1828. I paid the bills for doing it, in November, 1828. I cannot tell how soon afterwards, any were lodged in the Hospital. I believe not until the next August. I have no recollection that I heard any complaint against the Warden, for his treatment of the sick, except that he had undertaken to decide the question, whether the men were sick or not. He always claimed, he had a right to appoint a Physician, and to send for him when he thought a man was sick enough. The Directors thought it was better that when a man complained of sickness, he should at once be permitted to see the Physician, and be disposed of by him, rather than have it left to the Warden; and passed the Hospital regulations in 1829, and Dr. Woodward was appointed the Physician. [Witness concurs with Mr. Huntington with regard to the discipline of the Prison. and the employment of convicts in the Warden's family.]

"I believe Judge Welles always objected to the convicts being allowed to leave the Prison, or employed in the Warden's family, as contrary to law, and as improper. In June, 1831, I told A. Pilsbury, I was unwilling he should employ the females any longer, and one that he had out was put into the female department.

I don't know that there was any thing said about Chaplain having his fire supplied by the State's wood. I was opposed to having a Chaplain appointed. The Directors, however, employed Mr. Barrett as Chaplain, at the rate of $200 a year, until the approaching session. He came I think in February. The Legislature directed the appointment of a Chaplain in 1831, and we appointed Barrett, at a salary of $400 per annum. The subject of wood was not brought up before the Directors. Did not turn it in my mind, whether he should have wood or not. There is a bye-law against any officer receiving more than the compensation fixed by Directors, and against his taking either from the public property, or in the labor of the convicts, any perquisite whatever, without the consent of the Directors in writing. [Witness concurs with Charles Babcock with regard to the publication of correspondence, &c. in the Mercury.]

"I do not recollect whether Judge Welles signed the contract with Pilsbury or not; nor exactly at what time he signed his commission. When we passed the Hospital regulations, I informed the elder Pilsbury, there was to be a change; that the sick were to be in future supplied from Hospital and Prison stores; that a cow was to be provided, and the milk given to the sick convicts; and that the overseers were to report before 9, A. M. all those, who complained of being sick, to Warden or Deputy; and by them brought to see the Physician; that Physician was to decide the question of sickness, and to order the necessary supplies which were to be furnished from public stores; was to have a nurse for the sick; as I communicated the particulars of the regulations, Mr. Pilsbury seemed to be displeased, and found fault with Judge Welles and Dr. Woodward, as being the authors of the measure; said he knew where it came from, and that it was done to embarrass him, said he did not like the manner in which the business was done, it ought to have been done in his presence, said he did not think Judge Welles and Dr. Woodward had treated him properly about it. I told him that the regulations were passed unanimously, that we all thought it was time something was done, that there was no intention on the part of any one to embarrass him, that there had been no exhibition of any unfriendly feeling towards him. He appeared however to be dissatisfied. I told Judge Welles that I thought we had better not communicate the bye-law to him, in writing—did not know but he might be offended, and we did not wish to do any thing to displease him. I never heard him complain before leaving the Prison, of any ill treatment from Judge Welles or Dr. Woodward, except about Hospital regulation. I told Capt Pilsbury that he was mistaken about that regulation, that I approved his conduct generally, but disapproved of it in relation to the Hospital regulation. I thought he manifested an improper temper, this I told him a few days before he left the Prison. I can't state the particular reason for going to Judge Welles' when we made this regulation. I perceive by the quarterly account of October, 1829, that he was not present when that was audited, his name is not to it, presume he would have signed it, if he had been present. He may have been unwell as the reason he was not present. In this quarterly account was the charge of $65 for boarding the sick. We went down to Judge Welles'

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from the Prison. Dr. Woodward was requested to be present, and make a statement as to the sick. The document here produced is my hand writing. It was written a few days after the attack upon Judge Welles in the 'Hartford Times.'"

"It has been stated in the Hartford Times of June 6th, 1831, or is plainly inferred from remarks contained in that paper, that there was a want of harmony in the former Board of Directors of the State Prison; and I have been requested to state my own views, together with any information I may be possessed of, regarding the correctness or incorrectness of any such statement.

"In reply to which, I cheerfully state, that the Board acted together from 1824 to 1830. And during all that period, as far as I have any knowledge, the utmost harmony of feeling prevailed between them. I have no recollection that there was a difference of opinion, on any measure or subject brought before them for consideration, until April, 1830, when the question regarding the appointment of the present Warden was made. On that question the Board entertained different opinions.

"JOHN RUSS.

"*Hartford, June 11th*, 1831."

Reuben Hawley.—"Am a miller in Farmington, and used to supply meal. I used to sign a bill for State's meal; have sometimes weighed off a bag for the Capt. I know Mr. Tuller; don't know that he has ever carried off any meal. He has helped me to weigh meal, which he said was for the Capt. I also made bills of the meal for the State, not always for Mr. Pilsbury; should think he might have had three or four bags in a year. In 1830 or 31, I carried out five or six bushels corn and ground it. Have furnished meal for Prison three or four years.

Cross-Examined.—"Tuller has weighed off meal a good many times for the State. I remember he once said, Capt. wanted a bag. Not certain of any more than once. I think that was in summer time, after Mrs. Griswold the matron had charge of cooking."

Evelyn Hawley, Son of the last Witness.—"I used sometimes to weigh off a bag of meal for Mr. Pilsbury, when I carried it for the State. Mr. Tuller sometimes weighed off the meal, and would say Capt. wanted a bag, and it was weighed to him; can't say that Mr. Tuller ever weighed off any for Mr. P. until after matron came."

Charles Whiting.—"I was contractor for the shoe makers from Nov. 26, 1828 to Nov. 1829, and from that day to Nov. 1830. In Dec. 1829, transferred the contract to Daniel P. Hopkins, and business was carried on by Wm. H. Whiting to the end of the year. Mr. Grannis took the men, Nov. 26th, 1830, for one year, and James Burt took them Nov. 26, 1831, for one year. I was interested in the last mentioned contract. Christopher Huntington was also interested with Burt.

"I have not been at the Prison for the last year. Business has been conducted to our satisfaction last year. Was there often in 1830, while Obear was overseer of the shoe shop; business well conducted. C. Huntington was our foreman at home; he was there also frequently. In September or October, 1831, Judge Welles was at our counting room, and expressed the opinion it would be advantageous to the Prison, if the Warden was changed. Shewed me certificate of Dr. Woodward. I don't know that he said any thing of P.'s honesty."

Cross-Examined.—"I complained that I had lost money on former contracts; had given too much. Under the first contract gave 34 cents a day. Under 2d, 26 cents, and in the 3d, 25 cents. I said money had been lost in the business. I also understood that Grannis had lost money by his contract for the men. Judge Welles remarked that he was satisfied, that heretofore sick men had been improperly charged to contractors; that they had worked when unable to do a day's work.

"I believe he said that there had been but about eighty days deducted on account of sickness, in our first contract for forty men for a year; which embraced the sickness in 1829. Said Botsford had been charged to within four days of his death, and this practice might have occasioned the loss. I don't recollect that he assured me that the condition of the Prison in this respect, should be improved; he might have said so. I supposed his aim was, to improve the condition of the Prison. He thought the Warden had conducted improperly; that the prisoners had not had sufficient food, and the sick were not attended to; and that the condition of the Prison would be better under a different Warden. I did not understand it was the object of Judge Welles to prevent our contracting. He spoke in general terms; thought there had been mismanagement, misconduct. I don't recollect that I told him, that the men had eat paste; I had heard that the men had formerly eat the paste furnished to the shoe shop. I don't remember that I said we had given more, in consequence of the explanations and assurances of Judge

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Welles. We finally gave all that we had originally intended, and were not influenced either way by any one."

William H. Whiting,—"I took the prisoners off the hands of Charles Whiting February 1830, and carried on the business till November 1830, previous to that, I had superintended for him—visited the prison as often as three times a week. I often examined their cans, to see if my men had their part of the food; was satisfied they had—Mr. Stiles the overseer had told me that our men did not have as much, as those who were at work for the State, and I went several successive days to see, I found food in their boxes; bread and meat."

Cross Examined.—" This search was made, soon after the men were taken by me. (Taken by the witness Feb'ry. 1830.) I never told any one, the men were starved, or had not enough to eat; whether the Prisoners had their pound of beef, bread, &c. I can't say, I had no means of knowing. Mr. Huntington, our foreman, used to be at the Prison, once a week or so.

" One Stiles said to me, 'dont come tomorrow as the Directors will be here, and the men will share equally,' I went there however and several successive days; I was satisfied with the warden, never complained of him, never said, the men were hungry, or starved, or that I should be glad to carry them food.

" Saw Botsford I think, never saw any prisoner at work when I supposed he was sick or unable." (See testimony of P, B. Goodsell and Jesse Barber, and Christopher Huntington.)

Amariah Brigham, Surgeon and Physician. "Have never seen a limb when frozen, but soon after when they were inflamed, mortified &c. have known the same symptoms recur at a subsequent season occasioned by a less degree of cold, with ulcerations &c. Neglected diarrhœa will produce dropsy. Generally speaking a man in dropsy is not able to work, though I have known some instances, where men have worked, but it was voluntarily," [Botsford's symptoms were here repeated as detailed by the witnesses, and the question put whether he was able to work with such symptoms.] He could not have been able to work. A person afflicted with diarrhœa, may labor with safety sometimes, but had better not do it. Diarrhœa does not produce organic affection of the heart, but might produce dropsy of the abdomen and celular substances." [A great number of questions were put to this witness by the counsel and he gave his opinion upon several cases which were supposed or stated hypothetically. It is difficult to do justice to him by reporting his answers merely, without knowing the precise case stated for his opinion, and the several questions are not found in the minutes of either of the counsel.] The witness finally remarked that he should have the fullest confidence in the opinion of Dr. W., and that he would be much more competent to judge correctly from an actual examination, and inspection of the several cases, than one who merely heard the cases stated.

Selden Miner.—"I live within half a mile of the prison, by the road. I have heard Judge Welles speak in high terms of the old gentlemen, heard him speak well of young man, until about a year ago last spring. Since then I have heard but little. Once last spring, about March, I heard him say that Pilsbury (the son) made high pretensions to piety or honesty, can't say which, but the public would be undeceived, as he thought. I heard Dr. W. say that, the old gentleman was kind but thought the young man got along as well, or better than his father. This remark, I think, alluded to the sick, it may have been general; I have often heard Judge W. speak in favor of him but can't tell where or whether it was at the Prison, or at my house, or my shoe shop. He appeared to be solicitous to clear up charges against Mr. Pilsbury.

About a year ago, when the French Commissioners were here, I heard Dr. W. say, that they preferred this Prison to any in the country, and we might safely say we had the best Prison. I don't know whether the remark was intended to apply to the construction, or management, or to be general."

Anson Ates.—"Went to the Prison as a watchman, in April 1828, continued to July 1829, then left, returned Nov. and am there now. Have been overseer of smith shop since April 1831. I have served in all the watches during the night. Air comfortable in cells, and shops, during last winter; it became warm in the morning; no difference as to purity except Monday morning. Rations generally pretty fair sometimes have seen food left in some of the dishes; discipline for the last four or five months under Mr. P. not as good. I wore blankets, last winter, on account of rheumatism; I took Morrison's place in smith shop, my wages $16 per, month. Willcox, is agent of the

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Contractor, my duty pretty much the same as Morrison's.

Henry Grew.—"In the beginning of the year 1828, I visited the Prison and continued to visit nearly every Lord's day for about three years. After discoursing to them, I visited them in their cells. Great contrast between this and the discipline of old Prison. I was sometimes in the old cook room and saw the kids of food; never took any particular notice, to compare them; saw no difference, appeared to be ample. I thought at first the Hall was not sufficiently warm; but after being there a while, found it comfortable. Could not see that prisoners were maltreated in any respect. Did not examine their bed clothes to see whether they were sufficient. I have not seen any acts of unkindness on the part of either of the Mr. Pilsburys. In going to the Prison in the morning, heard Mr. Pilsbury the elder reading the bible loud, prayed fervently, no clergyman more so.—Younger Pilsbury walked in his father's steps; a prisoner died, and he announced the fact in a solemn manner. I have seen nothing but the passion of love in all its various modifications."

Gerish Barrett, Chaplain.—"I was at the Prison a few days in the fall of 1830. In Jan. or Feb. 1831, went to stay and remained till July 1832; my duty to be present, morning and evening, at religious service, allowed to converse freely. On one of the coldest days last winter, I tried the thermometer on lower floor, after the prisoners were in, and found it 38; three degrees higher in upper tier. Windows open to ventilate, clothing warmer than at Sing Sing, Auburn or Baltimore. Exposure to cold more at Sing Sing than here. I have no reason to suppose Whitman's feet were frozen last winter; they appeared much swollen. Niver was several days in punishment in cold weather, lodged on stone floor, without bed or bedding; do not think his punishment brought on his sickness.—I suppose this might be compared with the best governed Prisons. They flog prisoners at Sing Sing, don't do it here; use moral power. Have often been in the Hospital; saw nothing improper; appeared to be well supplied, and properly. I heard A. P. inquire after the sick. I have generally seen more left here than at Sing Sing.

Cross Examined.—"The matron took charge of cooking, soon after I came. I found the females in their department when I commenced. I have taken an active part in favor of P. in this controversy. Have been supplied with my fuel from State stores in addition to my salary, don't know whether Directors knew it. (A copy of the Hartford Times was here shown to witness containing imperfect extracts from the Reports of Dr. W. and contrasting them with extracts from his Certificates.)

Qestion by Counsel.—"Did you prepare that document?"

Answer. "I should think that in substance it was the same with one I drew off. I made a comparison or contrast of certain passages and shewed them to the Warden, and gave him a copy. I should think it appeared substantially in the newspaper as I wrote it off."

Q. "Did you not in copying the passages which you selected leave out important words, and in some instances whole sentences, and bring together detached sentences so that the meaning was essentially varied and perverted?"

[The Counsel for Mr. Pilsbury objected to this question, and the Committee decided that the witness need not answer it.]

Q. "Did you address an anonymous letter to any person in New Haven respecting Prison controversy signed "Theodore?"

A. "I did not; Judge Welles showed me certificates, I did not read them."

Barzilia Hudson.—"Both Moses and Amos P. have dealt extensively with our firm; we have furnished them with blankets for the cells; we endeavoured to get good ones. In the bales there are always some small ones; some six feet four inches long, and four feet and a half wide, generally 9-4, such as we sell to poor families; clothing has been sattinett, some heavy, some light; we have sold him coarse heavy sacks. In his dealings with us he has been fair."

Jason Sage.—"Had an account with Pilsbury in 1830 and '31. Among other things beans were charged to his individual account; cannot tell the quantity perhaps six to ten bushels a year; generally paid for articles."

Samuel R. Wood, Deposition.—"Inspector for several years of Prisons in Philadelphia. Visited Connecticut Prison in 1830, July 11, 12. Amos Pilsbury was Warden; general impression favorable; prisoners appeared well; less depressed than at Sing Sing; more moral culture; disapprove the use of tobacco and the want of cleanliness; not sufficient ventilation;

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some foul air in cells. Practice to employ prisoners without the walls. Thought A. P. well qualified for Warden. Duty of Clerk ought not to be performed by Warden. Clerk should be a check upon Warden. Introduced to Judge *W.* thought there was a coolness between him and Warden."

Normand Lyman.—"Mr. P. has traded with me more or less, for several years, has purchased beans of me, on his own account and for Prison; 40 or 50 bushels in a year for Prison; and perhaps 6 or 8 for himself, generally paid cash; particular in purchasing his beef, to have good; appeared to be a fair dealer for what I saw."

Samuel Boyd, Deposition.—"Went to the Prison in August 1830 to hire some of the convicts. I have employed them two years under a contract; often been there since, did not see but the Prison was managed judiciously and with fidelity, and that Mr. Pilsbury was honest."

[*Deposition of Lois Pilsbury, wife of Moses C. Pilsbury.* Objected to on the ground that she was wife of a Warden whose conduct was under inquiry, but admitted.]

"Went to the Prison in September 1827, I was always particular to see that the sick should be attended to, and when I was unable my daughters attended; Dr. *W.* said Abigail was very attentive, and they were grateful; Mary confined herself a long time with Mrs. Sperry. My husband, son and family, did all they could for McCarty, Fagan, and Ferdinand. Dr. *W.* said medical aid should have been afforded to Fagan more speedily; said he should have been attended to sooner. I did not myself hear any other complaint.

Second Deposition of same witness.—"The waste made from the kitchen was more than our part for the support of the hogs, told my husband it would be better to keep them separate. We occasionally borrowed beans but returned them again soon. Julia Ann Burr* a convict had a young child when she came from New Gate; the child was terrified and we had to take her from the cell to the house. We had the convicts to assist us in our family; but this was a trifling compensation."

Mary Ann Crocker, Deposition.—[*daughter of M. C. P. and sister of A. P.* Was at the Prison from September 1827, to August 1828. I took charge of Comfort Sperry, except one day for near three weeks, she had every attention and food."

Sheldon Bacon.—"Was at the Prison in May 1829, fixing some machinery for chair seats; have been there frequently since. Thought Amos Pilsbury's conduct was humane; convicts not in any wise restrained. Morrison spoke well of Pilsbury; spoke against Judge *W.* Never heard A. P. speak disrespectfully of Judge W."

Wm. M. Thorp. Deposition taken before September 11, 1833.—Have been contractor for the chair seats since 1830. In Aug. 1831, I was at Judge W's house; he asked me how I got along with my payments. I told him I had brought along about $500; owed about $2000 to the Prison. He asked me if the Warden crowded me, I told him he wrote me pretty sharp. Mr. W. then remarked that he had been in favor of waiting upon me; and giving me indulgence, and said I might have had the seats less at first by a dollar a dozen. He then said you don't know P. he is a bad man, you must look out for him. Had charged contractors with work never done; wanted me to prevail on Purdy not to give a certificate to P.; wished me not to give him one; spoke favorably of Pur-[illegible]

[illegible] Gaylord Clark, Deposition taken at [illegible]nce R. I.—Judge W. called upon me, at the Mirror Office, in 1831; and showed me some certificates against A. P. wished me to write an article against him, and keep up a cross fire; wrote a short article in favor of Mr. W. and against the Warden; seemed very determined in his opposition."

[Emily Pilsbury, the wife of A. P. offered as a witness, objected to by the Counsel for the State, and rejected.]

Julia Belden, wife of James L. Belden. "Have heard Dr. W. speak in high terms of the Messrs. Pilsburys and their families. Dr. W. was visiting one of our children in January 1831, and my husband spoke of there being three or four gallons coffee furnished daily to the Hospital, and three or four pounds beef steak. Dr. W. said it was so; did not know at whose expense; perhaps, when not on hand he might fur-

* Julia Ann Burr was brought from New Gate with a child, with the other convicts. The child was in a few days, thrown by M. C. P. upon the town of Wethersfield; the select men of which town, immediately notified the town of Windsor who were liable by law to support the child. The contractor for the support of the poor, in that town took the child away and paid Mr. P. for its sustainance while on his hands.

†See the testimony of E. North, of S. Ely, and B. Hurlburt, in relation to this witness.

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lish it. Next summer I did not hear him say much about the Prison. I have heard Judge W. speak favorably of A. P. and his wife, never heard him say any thing against them; don't know that he has said any thing lately respecting Mr. P. My husband was concerned in writng an article for the newspaper, (meaning Barrett's extracts,) Mr. Barrett I think was present. My husband and myself have taken some part in favor of P."

Solomon Porter.—"Often at the Prison; there frequently, all appeared well, all faithful; it resembled a manufactory. Mr. P. very competent to make bargains, very humane and tender. I looked at the accounts; as regarded the external appearance, were good; I think the appearance of the Prison is improved since the appointment of A. P. in consequence of additions and alterations. Every thing went on harmoniously and prosperously until appointment of Amos. He has dealt considrably at my store; have sold him quantities of Rice &c."

TESTIMONY FOR THE STATE.

Penfield B Goodsell.—In the fall of 1829, and succeeding winter, I was often at the Prison with Wm. H. Whiting. I was then at leisure, and he used to ask me to ride down with him; there frequently. Mr W. told me that the convicts suffered from hunger; that he had seen them pick up and eat potatoe skins. He spoke more than once of the sufferings of the prisoners, from want of food, expressed a good deal of feeling for them; said he had shed tears on account of their sufferings, and if it was in his power should be glad to carry them food. He expressed himself dissatisfied with the condition and treatment of the prisoners; said they were short fed, I don't remember that he spoke of their work."

Jessee Barber.—"Was in the employ of Wm. H. Whiting in 1829 '30 cutting shoes, at the time he had the shoe makers; when Mr. Whiting used to return from the Prison, he would come into the shop and state how much the convicts suffered for want of food; that he had seen them eat potatoe skins, and that if he had it in his power, he would furnish them with food; said he could not avoid shedding tears at their sufferings. This was often said in the shop: C. Huntington and others were present. Can't say whether before or after Charles Whiting failed."

Christopher Huntington, recalled.—"I have heard Wm. H. Whiting say, a number of different times, that he pitied the condition of the prisoners, as they had not food enough to eat. He was satisfied they were hungry. In Dec. 1829, he was somewhat interested in the shoe contract. In 1830 he was solely interested. Both Charles Whiting and myself were interested in the contract standing in the name of James Burt, and commencing Nov. 26, 1831. Charles Whiting had formerly hired the men in his own name; have heard him complain that he had lost money on the business at the Prison, and I knew that he had lost money. I understood him to say that the facts stated in Dr. Woodward's certificate, must be so, or true, and that there must be something wrong.

"In November, 1831, Mr. *W.* Mr. Charles Whiting and myself, were present, and speaking of hiring the men. Judge *W.* asked if we were disposed to hire them. Charles Whiting said he was not anxious. Mr. *W.* said if there was any difficulty, he wished to have it removed, and would do every thing in his power to make the contract advantageous, and wished the business to be so conducted, that it should be beneficial to the contractor and the State.—Whiting said things were not right at the Prison. Men were forced into the shop when they were sick, and not able to labor; and if that could be remedied, he should feel differently. Mr. *W.* remarked, that he was convinced from all the testimony that this had been the case, and that sick men had been charged, and that this was probably the reason why contractors had lost money; but said the evil should be remedied; that one of the causes of loss was now found out, and should be removed. There was some conversation respecting Kelly, the overseer. I remarked, that if what Mr. Grannis said of Kelly was true, I should not be willing to hire the men, unless he was removed.

"In all this conversation, it appeared to be the object of Judge *W.* to point out what had been the occasion of former losses, and to give assurances that the abuses should be reformed, and I have heard Mr. Whiting say, that unless there had been a prospect of a change, as to the management, he would not have hired the men.

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He said, that the talk which had been about the abuses, would have a good effect, and would be of service to the prisoners, even if Amos was continued. Said he was satisfied there would be a change for the better, and that the Captain would not dare to repeat the abuses spoken of. I have heard Mr. Whiting long before find fault. He said that he thought he had to pay for men who were sick, and for shoe work never done, and that he was cheated in the overwork. He also said, that he did not believe the men had enough to eat, and I had myself told him of their hunger."

[A number of witnesses were introduced to prove the falsehoods in the testimony of Charles Clapp, 2d. viz; Winthrop Buck, Dr. Woodward, S. Galpin, B. D. Buck, S. Crane, James Smith, Mary Woodhouse, Z. Larkin, and M. Woodhouse. Their testimony to this point is inserted together, although one or two of the witnesses were not sworn in this order. Mr. Clapp's testimony is at page 66.]

Dr. S. B. Woodward (recalled,) and enquired of as to water.—"In the month of October, 1830, one of the overseers informed me when visiting his family, of the sufferings of the prisoners from bad water. This was on Saturday or Sunday evening. On Monday forenoon when I was at the Prison, I tasted the water. I never tasted so bad water; most offensive to the smell and taste; entirely unfit to drink. Some of my assistants were with me, I think. Am not certain whether I mentioned it to Judge *W.* or not. I was not present when he tasted the water. On Tuesday, the next day, I went to the Prison with two ladies. We went into the yard, and found Judge *W.* there at the new well, which was excavated through the sand; was down to water, and they were then digging out the clay. He shewed us specimens of the clay as the men threw it up, as being remarkably fine; the water was then running in copiously, and they were bailing it out. This was before 10 o'clock in the forenoon. Understood they began to dig Monday afternoon. It could not have been dug that morning. The digging was finished on Tuesday, and the stoning considerably advanced. I think the well was completed next day. Its whole depth perhaps was twelve feet.—Wells are obtained very easily upon the town plat. The water of the new well has been uniformly good. Know of no natural cause which could have affected the water of the first well. The water in the vicinity is all good, so far as I know."

[The counsel for the State here read to the witness the testimony of Dr. Peters, "that the sickness in 1829 had got ahead of the Physician and Warden," and requested him to explain the facts touching that sickness more fully.]

"That opinion is without any foundation, so far as I am concerned. Botsford was the first convict I was called to see; and I advised the officers at the first visit that he was extremely sick; that the case was a bad one. At that time I was ignorant that there was another case of sickness in the Prison. Sickness might prevail there to any extent, without the knowledge of the Physician, if he was not permitted to see the patients. Mr. Newton was the person who first told me of the sickness which had prevailed there for several weeks. This was the night after Botsford's death, and when I was called to see Fagan, sick with the same disease. I immediately notified Judge *W.* and he accompanied me to the Prison the next day. It was then by his direction, (with which the Warden very unwillingly complied) that 20 or 30 patients were brought before me, from at work in the shops; some of whom had disease of long standing, and three of whom as I have already stated, died. These men must have been sick, some of them, for several weeks, and at a time when I had no reason to suppose that any sickness prevailed. When I first saw Whitman's feet, their appearance indicated a recent freezing, were not then mortified. In about 36 or 48 hours, became gangrenous, very offensive, and a piece as large as a dollar, came out. This was during the coldest weather of the last winter. The other cases I saw later. Have no doubt at all, that Whitman's case was one of recent frost.

"I have said very little, as to the condition of the Prison, since 1829. Enquiries are often made of me, respecting the treatment of prisoners, which I always endeavour to wave. I wish to avoid them. In my general conversation, I have not thought it my duty to make public, what I saw at the Prison, or in my private practice; and I may have made such general remarks, as would lead to the conclusion that I did not disapprove. Were I to take any other course, it would occasion constant excitement. In my communications with the Directors, I have been very guarded. My object has been to remove the abuses quietly, not to produce an excitement in the mind of any one.

Judge *W.* said nothing to me upon the subject of removing Pilsbury. My name

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was brought before the Legislature as a Director, by the Committee on State Prison, without my knowledge or wish.

"After my house was burnt in the summer of 1831, I went into the house with Charles Clapp, 2d. He often stated that the prisoners which he hired, complained of hunger, and suffered for want of food. Said he had seen them eat guts and potatoes which were cooked in the lime; that he carried them food from home. Said they were willing to work, but not able, for want of nourishment. He said he could not testify with Mr. Woodhouse that Samuel Welles was equal to six prisoners. But when I told him, that Woodhouse had said that Samuel was equal to six of the poorest, Clapp said, that he should agree with him. He one day stated, that he had seen a certificate which Mr. *W.* wished him to sign. He said the facts were all true, but he did not like to sign it, lest his name should get into the newspapers.

"I never told Selden Miner that Amos Pilsbury was a better officer than his father, or got along better, or that the French Commissioners had said that this was the best administered Prison. I never saw the French Commissioners, unless at a distance. I had been invited to see them at Judge W.'s, but was called away. I understood they spoke highly of the plan of the Prison, and the system of bye-laws; did not hear that they spoke of the actual administration, as they were here but a very short time, and could not have seen much of it. I may have said to Mr. Miner and many others, that the sick fared better since Amos was Warden than under his father, and that is my present opinion. In the first place the Hospital regulations, (although not fully executed as they should be,) have had a most salutary influence, upon the treatment of the sick; and in the next place, Amos Pilsbury who was Deputy Warden under his father, and who had the principal charge of the sick, was not disposed, as I think, to treat them as kindly, as some of those who have since held that office.

"Dr. Peters was with me when I saw Botsford the 2d time. He made the prescription. I acquiesced. We both considered it a fatal case, and directed him to be placed in the Hospital. Dr. Peters was not often at the Prison, and I think not again from this time to October. He was present in October, when the Hospital regulations were adopted. I stated to the Directors such facts as I thought would be sufficient to induce a change in the treatment of the sick. Beyond this I did not intend to go, as I wished to avoid all collision, and there may have been, and probably were, circumstances which I have held back on this account, from all the Directors. Fagan's heart was affected, in the same manner with Botsford's. The disease must have been of long standing in both cases."

[Dr. Woodward was here broke off and his examination resumed at a subsequent day.]

Winthrop Buck. "Last spring, after Charles Clapp, 2d. returned from New Haven, I asked him if he had testified before the Committee: said that he had. Said he could not testify against Mr. P. because he had satisfied him in the settlement of the account. He said that Mr. P. asked him what would satisfy him, and told him he would close the account on Mr. Clapp's own terms, therefore he, (Mr. C.) said that his mouth was closed."

Samuel Galpin. "One Sunday evening, in April last, I came in contact with Charles Clapp, 2d. He introduced a conversation about a certificate which he said Judge *W.* wished him to sign. Said it was about the prisoners roasting potatoes, &c. and was true enough, but he had rather not sign it. He said it might involve him in difficulty as he had carried food to the prisoners against the rules. He then said he did not know but he should sign it; and finally he said, 'On the whole you may tell Mr. *W.* I will sign it next time I come down from Windsor.'"

James Smith. "Some time last April, Charles Clapp, 2d. said to me that Judge *W.* wished him to certify as to the treatment of the prisoners. He said that he had rather not certify as he might get into the Newspapers, but preferred to go to New Haven. I told him there was no impropriety in his signing to the truth. He said he had told Capt. P. that they had enough to eat, and that he had said to others they had not enough, and he should get himself into difficulty. Said that Deacon Stillman advised him not to sign the certificate. Said he had made a statement to Capt. P. I stated to my family when I got home the difficulty Clapp was in."

B. D. Buck. (*recalled.*) "During the time Mr. Clapp was at work at the Prison, he found much fault with the convicts which he hired; said that Samuel Welles would do more than a given number of them, than

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three or four, as I should say; it was the dearest labor that he hired. After Clapp's return from New Haven I asked him how they got on. He said 'I could not state that I was dissatisfied, as they expected me to.' I asked why not. He said, 'because Mr. P. has satisfied me as to the price of the labor of the men, had said to me, Clapp what are you willing to give; he gave me my own terms, and said, give me as much as they are worth; and so of course my mouth was stopped.' He was constantly complaining that the men could not work on account of their hunger—it seemed to be with him a subject of constant coversation whenever I saw him about that time."

Lancelot Crane. "In April last, Charles Clapp, 2d, had a conversation with me respecting the Prison. I asked him if he really supposed the prisoners had suffered from want of food.—He said 'they have suffered, I know it to be a fact.' Some person then called to him and our conversation stopped. Mr. Clapp began the conversation."

Zachariah Larkin, (recalled.) "In the spring of 1831, I asked Clapp if his men worked smart. He said 'no, they are half starved to death.'"

Cross Examined. "This was in front of my house. I had been often at the Prison and felt interested for the prisoners. I had heard many stories respecting their sufferings, but nothing from Judge *W.*"

Mary Woodhouse. "In April, 1832, I heard Charles Clapp say, that he was willing to swear to the certificate as drawn up by Judge *W.* but did not like to sign it, as it would be put in print. He said the convicts were very hungry, and unable to work, and eat things *not very eatable.* Said he carried them food often or daily."

Manna Woodhouse, (recalled and shown a certificate.) "I have seen this paper before, it is the certificate offered to me last April. Mr. Clapp came to me at that time and asked me what I thought of the certificate, I made no answer, but asked him what he thought of it. He said 'I think it all right.' I replied 'so do I.' Clapp said he had rather go to New Haven, than sign it; that he had a sister there. He spoke about the hunger of the prisoners being mentioned in the certificate, remarked there was nothing in it which he objected to. He said nothing about Mr. W.'s trying to get a certificate from him that P. was drunk, or that any such clause had been in it.

"I was at work with Clapp at the West end of the Prison, when A. P. came out to us after the death of his child. Mr. W was there. I did not know that he had lost his child until some one said 'Mr. P.'s child is dead.' I did not see that his face was red, or that he was weeping, or had been weeping, saw nothing unusual or singular in his appearance. I did not hear Mr, *W.* or any one else, ask Clapp if P. was not drunk, or intimate any thing of the kind. I was at work very near Mr. Clapp, within 7 or 8 feet, and must have heard such a remark, if it was made. I am confident nothing of the kind was said. Clapp did not take me in as a partner after he had made the contract. At first, we both engaged with Mr. *W.* to work by the day, afterwards we contracted with him to lay the brick by the job, we were at his house together when the contract was made. Clapp complained, more than I did, of the men's being hungry and unable to work. He complained to Mr. P. about it. and P. told him he need not hire the men. I did complain of their being hungry, but not to the Capt. as I did not know that he could help it. I did not then know but that he gave the men all he was required to give. We had one or two good men, if they had had food enough."

[The certificate mentioned by this witness was then offered but rejected by the Committee. It is indorsed in the handwriting of John Q. Wilson as follows: "Identified by Manna Woodhouse, J. Q. W."]

Elizabeth Griswold, (matron, recalled.) —"The treatment which myself and daughter received from the Warden, Mr. A. P. and the Deputy Warden was not good; was such as rendered our situation extremely unpleasant. When Judge *W.* proposed resigning as a Director, in 1831, and discontinued his visits for some time, I sent a message to him, that I hoped he would continue in his office, on our account if for no other reason. I felt that if we were to remain at the Prison, some check was necessary, upon the treatment we were receiving from these persons. I cannot tell any thing of the waste which came from Mr. Pilsbury's kitchen, with a family of 18 persons. I should not think when I kept a boarding house, the waste from such a family could be equal to the waste from the prison."

William Adams. "I have seen the prisoners away from the Prison, sometimes at a distance of between two and three miles. There was a convict who used to come to my mill, two and a half miles from the Prison, while M. C. P. was Warden. He

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came several times, and would sometimes wait two or three hours, and once I recollect he went off into the woods, and said he was going to get chesnuts. He had the horse and waggon which belonged to Capt. Pilsbury."

William A. Havens, (recalled.) "I have very frequently seen prisoners off at a distance from the Prison, alone; saw one down by my house, two and a quarter miles South of the Prison. Also saw one by the name of Colton at large, at a general training in Wethersfield; it was when the regiment of Artillery met and a regiment of Infantry. I know he was a prisoner; saw him at the Prison both before and after; he told me when his time was out. Have often seen the prisoners around the streets unattended."

It was proposed to show the nature of the attacks which had been made upon Mr. W. and which had induced him to obtain in self-defence the certificates which had been referred to. The counsel remarked that the Hartford Times of June 6th, 1831, contained an unfounded and libellous attack upon Mr. W. as a Director. In the Courant of June 7th, 1831, is an article denying the statements in the Times to be true, but not reflecting upon the Messrs. Pilsburys. The attack in the Times is followed up by a letter from M. C. Pilsbury, of June 10th, 1831, addressed to S. H. Huntington, and published in the same paper, attempting to sustain the article in the Times, and containing in itself statements and insinuations wholly false and unfounded. Immediately after the publication of this letter, and not before, did Mr. W. obtain these certificates to rebut these statements of Mr. P. When he had obtained them he found they disclosed facts of which he had not been previously informed, and he deemed it his duty to lay them before the Directors. He also called upon the publishers of several papers and showed them the certificates, not with a view of having them published, but merely that the public might be apprized that there was a sufficient answer to be made to the attack of Mr. P., and that it would be made as soon as he thought proper to make a specific charge. It was with this view he called at the Courant office, and if Mr. P. had not kept back the deposition of Lewis Gaylord Clark to the last hour, almost, of this investigation, so that we cannot have his deposition taken over, and let him be subject to a cross-examination, we would show it was for this purpose only that he called at the Mirror office. We now propose to introduce these documents. [Objected to by Mr. P. but admitted.] The Times of June 6th, 1831; the Courant of June 7th, 1831; and the letter of M. C. P. of June 10th, were then read. The letter is as follows:—

M. C. Pilsbury's letter addressed to S. H. Huntington, and by him handed to the Editor of the Times.

"*Derry, N. H. June 10th, 1831*".

DEAR SIR:

Having seen in the Times, a paper printed in the city of Hartford, date June 6th, 1831, under the Editorial head, some remarks relative to the conduct and management of the Hon. Martin Welles as Director of the Conn. State Prison, relative to those who have been placed in the responsible situation of Warden of that Institution, and also having seen a paragraph in the Courant, a paper printed in the said city of Hartford, of June 7th, wherein it is said that a statement of mine has been seen, connected with others, and declarations made by the present Warden, (per certificate) which goes to show that the insinuations in the Times are destitute of the least foundation, I feel called upon, in justice to myself and others, to say that nothing from me can be found to that effect. If any thing of the kind has been attempted by the correspondence between myself and the Directors at the time I made up my mind to retire from the office of Warden, I would only say they were intended to apply to a majority of the Board and I do feel it my duty now merely to observe that he must not attempt to screen himself under the cover of others. I have had and still have a degree of delicacy with respect to the publicity of the subject—but if called upon by any thing further, (Providence permitting,) I will declare the truth and the whole truth.

"Dear Sir: You are at liberty to use this, or any part of it, in any way you may think the public good requires; and accept the assurances of my highest respect."

"MOSES C. PILSBURY."

"Mr. —— ——."

The Counsel resumed:—Mr. P. claims to be restrained by motives of delicacy; it would have been well if these motives had restrained him from so unworthy an attack. We release him from all such restraints. He is now here in the face of the Committee—an admissible witness, according to the decision which admits his wife—he has now an opportunity of stating these instances of misconduct if he can, and we invite him to do so.

We claim that the whole spirit and tenor of that letter are at variance with the truth and are contradicted by his own written and verbal declarations, made almost up to the time of his leaving the Prison. His letter of March 12th, 1830, is before the Committee, (page 60,) in which he "proffers his acknowledgement, with gratitude for the many favors and kind treatment he has received from the *gentlemen composing the Board of Directors.*" His son has declared that Mr. W. "had treated him as kindly as a father," and we now propose to show further what has been the uniform language of M. C. P. respecting Mr. W. and the other Directors, that we may be able to judge whether he intended to ex-

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clude Mr. W. in his letter of thanks. We believe it will appear that this language was uniformly used until he ascertained that Mr. W, would not vote for his son as Warden, and his son-in-law as Deputy Warden.

B. D. Buck, (*recalled.*) "I have often heard M. C. Pilsbury speak in the highest terms of Judge W., almost up to the time of his leaving the Prison. I cannot in every instance recollect his language, but in many cases I can. He was once speaking of his own labors, and said he did not have that support from the Directors, (except Mr. W.,) which he wished, particularly in relation to the moral and religious instruction of the men. He said that Judge Russ had said to him, 'they have the Bible in their cells, that is enough for them, we don't want you should wear yourself out for these poor devils.' He said that Dr. Peters was satisfied with any thing; it was all well whether they had any religious service or not. If it was Romanism it was well; if it was Paganism it was well; and if it was Mahometanism it was well; it was all the same, and all equally pleasing to him. But from Judge W. he said he had all the support he wished, and if it were not for him he would go back to New Hampshire. On another occasion I heard him say that Mr. W. was not only the foundation stone, but the topmost tile and centre of the Institution; and that the poor prisoners would have to thank him, not once, or twice, but always, for his efforts. At another time, and a few weeks before he left the Prison, he said that Mr. W. had sustained him nobly, and but for his assistance and exertions he must have sunk under his duties. I was very intimate with the family of Mr. P.; very often at the Prison; perhaps more frequently than any other inhabitant of Wethersfield, unless perhaps it was Mr. W. and the Physician. Mr. P. often spoke of the kindness with which himself and family had been treated by Mr. W.; always seemed sensible of the value of his services, and expressed himself to me, and to others in my hearing, as relying for assistance principally, if not entirely, upon Mr. W. I was, therefore, very greatly astonished when I saw his letter of June 10th, 1831, published in the Times; and that he should say that he did not mean to include Mr. W. in his expression of thanks, contained in a former letter, and that he was restrained by delicacy from stating instances of misconduct on the part of Mr. W. The spirit of that letter is at variance with the whole tenor of all his conversations with me, respecting Mr. W. almost up to the time of his leaving town. Whenever he made any exception or distinction among the Directors, which he often did, it was in favor of, and not against, Mr. W.

"When I saw this letter, I called upon Mr. A. P., at the Prison, to know what it meant. I enquired of him what was the difficulty; he said that Mr. W. was his enemy. I asked him if Mr. W. did not yield him as much assistance and support as the other Directors, and even more. He said that he did, but he did not vote for him as Warden. I do not recollect that I ever heard A. P. speak in favor of Mr. W. This conversation was in June, 1831. I can't tell precisely how near the time of his leaving the Prison it was that M. C. P. spoke favorably of Mr. W.; a few weeks before; I do not know that I heard him say any thing in his favor after he ascertained that he would not vote for Amos, his son, as Warden, and L. R. Welles, his son-in-law, for Deputy Warden. Have heard both the Ps. speak of L. R. Welles in reproachful terms, as an idle, shiftless fellow; they ridiculed him. I often saw Judge W. about the Prison attending to its concerns, examining the warmth of the Hall, &c. He was there oftener than the law required. Saw him very frequently in the coldest weather looking to the condition of the prisoners, as it respects warmth and comfort. He would sometimes remark that he found it too cold, at others comfortable. He has always taken a very active part in its concerns. During the last winter, I found the Hall very cold. I was there in December, which was perhaps the coldest month. The windows were open, and the wind was blowing in very cold. I have often seen ice on the stones by the cell doors; this was where the vessels of water were usually set down. I should think the condition of a sick man in the cells, at such a time, must be a bad one; it could not be otherwise than that men must suffer in their cells with the temperature as cold as I have known it there. I have very often seen the front windows open, in the coldest weather, for several hours in a day."

Cross Examined. "I saw Mr. W. at the Prison during the sickness in 1829; have seen him there examining the food.

"I have spoken in high terms of the Prison generally, but not of every thing I have witnessed. I can't say how much the Wardens have tried to make the men comfortable. They could not have been comfort-

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able in the Hall at the time of which I speak with the wind blowing in. They both appeared to be displeased with the Hospital regulations; manifested a great deal of temper; the young man said 'he should obey them as far as he thought fit.'"

Martin Kellogg. "The elder Pilsbury always spoke in the highest terms of Mr. W.; said that he had sustained him; that he could depend on him, and that he was a most efficient Director. After I saw the publication in the Times of Mr. P.'s letter of June 10th, 1831, I called upon A. P. and enquired of him what was the difficulty, as my wish was to effect a reconciliation. 'Why,' said he, 'Mr. W. did not vote for me as Warden.' I asked him if there was any particular conduct of Mr. Welles of which he complained. He said he thought he had treated him coolly, and had never done any thing for the State. I enquired again if there was any thing else. He said that when the Senators and Representatives came from Hartford in a steam boat on a certain Saturday, Mr. W. did not introduce him. He stated no other difficulty.

"I asked him if it would not be better for all parties if those publications in the Times were stopped. He said he knew nothing about the Editor of the Times. I then enquired if he did not know that his brother-in-law, Leonard R. Welles, had handed these articles for publication. He evaded the question. I spoke of his father's letter as being at variance with his language, and expressed to him the opinion that it would be the cause of much difficulty, and that his father ought to be able to reconcile such contradictions. He made very little reply, and seemed to be in a state of much ill humour."

Mrs. C. Robbins.—"In the winter of 1830, perhaps two or three months before M. C. P. left the Prison, I heard him speak of Mr. W. and his services at the Prison, in the highest terms. He said he had done a great deal for the State, and in the cause of humanity, and that the gratitude of the State was due to him; that he had done more for that Institution, than any ten other men; said that he was all that could be wished except that he was not a christian. This was his usual course of remark respecting Mr. W. whenever I saw him.—Have heard the wife and family of M. C. P. speak in high terms of his kindness to them, and of the aid and assistance he always gave them, and of their dependence upon him. When I saw Mr. Pilsbury's letter of June 10, 1831, I was astonished at the contrast it exhibited to his former language.

Cross Examined.—"I have not often heard Mr. W. speak concerning the Messrs. Pilsburys; he was generally pretty silent respecting them. I think I have heard him speak favorably of the elder, when he first took charge; but never at any time of the younger. About the time A. P. was appointed Warden, I should think I heard Mr. Welles say, that he thought the appointment a hazardous one, for many reasons; do not know that he specified any. I cannot state exactly the time when I last heard M. C. P. use the language I have mentioned; should think it was not more than two or three months before he left town; can't say I ever heard him use it after he ascertained that Mr. W. was opposed to the appointment of his son, and son in-law for Warden and Deputy Warden.

Dr. Woodward's testimony resumed.—"I am confident that a case of recent freezing may be distinguished. I do not recollect to have seen a blister distinctly formed unless in a case of recent frost. In Whitman's case, there was high inflamation and a blister; he had also chilblains upon the heel; but very different in their appearance. I have heard Judge Russ frequently speak of the conduct of the elder Pilsbury as being altogether wrong and indefensible in relation to the Hospital regulations; said he entirely disapproved of it, and had said so to Mr. P. On one occasion he said that "in relation to the whole affair he acted like the devil." At about the time that A. P. nominated L. R. Welles his brother in-law as Deputy Warden, I heard Judge Russ remark, that "he would not consent to have him in the Prison," that in addition to all he had heard from others as to his being not a business man; he was convinced from the slovenly and neglected appearance of his tavern, fences, and out buildings, that he could not be a proper man for Deputy Warden; said he had told Mr. P. that "if he persisted in nominating him (L. R. Welles) for Deputy Warden, he would not consent to appoint him (A. P.) as Warden.

"Mr. W. never applied to me for any certificates until after the publication in the Times of the letter of M. C. P. of June 10, 1831. I knew that the imputations, and insinuations against Mr. W. contained in that letter, were untirely unfounded and undeserved—and were also contradicted

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by the declarations of Mr. P. himself, uniformly made up to the time the Hospital regulations were adopted. I knew what the efforts of Mr. W. had been in relation to that Prison, in sustaining Mr. P. and in ameliorating the condition of the prisoners. His exertions had all been on the side of humanity.

"Under these circumstances, I felt it to be my duty to make a statement of the facts which had fallen under my own observation, particularly those which related to the Hospital regulations, which had been the origin of the difficulties. I did not feel at liberty to withhold any information in my possession which should counteract the injurious impressions which the letter of Mr. P. was designed to produce. I considered the movement of Mr. Welles in obtaining these certificates to be one purely of self defence, against the improper and undeserved attacks of Mr. P. and his family."

Question. "Will you relate what took place at New Haven when Mr. Huntington presented Mr. W. the Report of 1832, to sign?"

Answer. "I heard Judge W. tell him that if he would erase the part which reflected upon the Physician, he would sign it—that he was anxious to have a Report which all could sign, reflecting upon nobody, and that he wished no controversy or difficulty. He further said to Mr. Huntington, that the other Directors could not expect him to sign a Report censuring the Physician for saying that the prisoners had suffered from cold, when he (Mr. W.) had himself made similar entries upon the Director's book, during the last winter.

"I told Mr. Huntington that I would erase any part of my Report that the Directors wished, or destroy the whole of it, as I made it at the special request of Judge Russ, and intended it for the information of the Directors, and not for the public. Mr. Huntington declined erasing the objectionable passage, and Mr. W. therefore declined signing the Report with it in. At this time it had been signed by Mr. Russ and Mr. Huntington; and there was no paragraph in it complimenting Mr. P. The next week when I saw it, the paragraph concerning Mr. P. had been added, and the other objectionable clause also retained. It was signed by Messrs. Russ and Huntington. Mr. W. urged Mr. Huntington to erase these two clauses; said, that he could not consistently with his views of the truth, subscribe to them; that there was no necessity for entering upon this controversy; that no fact was communicated, but a mere expression of favorable opinion on the part of two Directors, respecting Mr. P.; said further, that if they persisted in this course, it would drive him to the necessity of giving to the Legislature the reason why he dissented. He urged many other reasons which I cannot particularly state. Mr. Huntington however refused to erase the clauses and the Report went before the Legislature as it was. Mr. W. assigned the reasons why he did not concur in the passages to which he objected."

Q. "Will you state the message from the matron to Judge W. in June 1831."

A. "Mrs. Griswold told me, that she had been informed that Mr. W. did not intend to officiate any longer as Director, and requested me to say to him that her situation was rendered extremely unpleasant, in consequence of the treatment she received from Mr. Pilsbury and Purdy, and she hoped he would continue to discharge the duties of Director if on no other account but hers. I communicated this message."

Q. "Is Mr. P. a kind and merciful man to the sick."

A. "Very far from it; his conduct toward them, in my presence has been morose and unfeeling."

Q. "Did you frequently see prisoners absent from the Prison, and about the town?"

A. "Very frequently. I have known them to come to the Post Office; to take the children of the Warden to, and from school, a distance of half a mile from the Prison; this I saw almost daily."

[The Chair Shop book was produced, by which it appeared, that Niver was confined to his cell without bed or bedding, 1831, Dec. 16, 17, 18, 19, 20; his name then disappears from the shop book, and does not again appear on any shop book, to February 6, 1832; whether he remained in the cell during all this period, does not appear.

From an entry in the Hospital Record Dec. 27, it seems that Niver came under the care of the Physician while still in his cell without his bed. "Dec. 27, 29, Niver not well; blue pill; *give him his bed.*" A few days after, this direction is repeated upon the Hospital Record '*give Niver his bed.*'

"January 2d, tongue furred, complains of chills; appetite irregular."

By the shop book it appears Wheeler was in his cell for punishment without bed or bedding, in December 1831, the 23, 4, 5, 6. On the 27th as appears by Hospital Record, he came under the care of the Physician, and a blister was ordered for him.

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Hospital Record Dec. 3d, 1831.—"Whitman, chilblains, and frost bitten toes; apply a poultice."

Dec. 5. "Same. Toe gangrenous."

In Hospital Dec. 1st, "Crawford, Stevens, Guinea, Curtiss."

Dec. 3. "All the above and Whitman."]

"If Whitman came in on the 2d of Dec. there would then be five. At any rate, the four first named, were in the Hospital, December 1st, 2d, and 3d. It cannot therefore be true, that there were but three persons in the Hospital on the 2d December. The Record shews it to be otherwise, and I have a recollection of the several patients whose names are mentioned. I do not hesitate to say, there were four persons in the Hospital, Dec 2d. In speaking of the rations, I have alluded to the established rations. I did not often see the rations actually served."

Cross Examined.—"I often complained to Purdy the Deputy Warden, that the Hall was cold; he said 'the stove or air heater does not burn as well as the year before; did not burn well; would not draw.' I was not in the habit of depending upon my students to visit the Prison unless they were licenced. I have for the last ten years generally had an assistant who was a licenced Physician. Drs. Belden, Salter, and Talcott all remained with me as assistants to see my practice, after they were licenced.

"There were sometimes prisoners who made more of their complaints than was necessary; when I discovered such an instance as I sometimes did, I endeavored to relieve the officers at once by prescribing "*work and rations.*" I think Benjamin Thomson was one who attempted this at first, though I have no doubt, that at the time he left the Prison, he had a confirmed consumption upon him. I never thought that "playing the old soldier" as Mr. P. termed it, or feigning disease, was ever carried to any such extent as he supposed. The instances of feigning disease have not been numerous; there is no inducement to do this; the situation of the prisoners in the shops is altogether preferable to any other. I have always found, that men who were really unable to labor, but who could keep about, had rather go into the shop to work than into the cells; and certainly, the Hospital, as it has been administered, furnishes no inducement. I am satisfied that there has been great suffering from sickness in that Prison from the constant repetition of the opinion by Mr. P. that the men were "playing the old soldier."

"I should think that about the time A. P. was appointed Warden, I heard Judge Welles express the opinion, that he was an unfit man for the station; spoke of him as being a man of bad temper; as morose, and passionate; said he had too little command over his own feelings to be entrusted with the government of others. I had the idea that he would not vote for him, though I do not know that he said he should not; spoke of some difficulty he had been in, in New Hampshire, and that he had been recently informed he had been dismissed from the New Hampshire Prison for misconduct. It was about the time the elder P. left, that he spoke of his dismissal. I have been always very cordial with Judge W. and never had the least difficulty with either of the Pilsburys except what grew out of the Hospital regulations; and these produced no open rupture; their treatment to me however, was very different afterwards from what it had been before."

[Depositions of Roger Huntington and Charles P. Huntington offered and the reading commenced. Objected to by the Counsel for Mr. P. and rejected by the Committee.]

Deposition.—"Roger Huntington, of Norwich, of lawful age doth depose and say, that he was a member of the Legislature in 1831 and '32; was Chairman of the Committee on the State Prison at each session; that in pursuance of a resolve the Committee visited the Prison in 1831, with the intention of ascertaining from the prisoners the treatment they received, and whether they had sufficient food, clothing and bedding, and whether they had sufficient warmth in the Prison when confined to their cells; that several prisoners were called before the Committee, in succession, and when the first was introduced, the Warden was rquested to leave him with the Committee; that the prisoners appeared very unwilling to answer the questions put to them, and it was with very great reluctance that they did answer any of the questions; they seemed to fear the consequences of giving any information on the subjects to which they were called to answer. Of those who appeared before the Committee, several stated that they suffered from cold, during the Sabbath particularly, and that if they had had more food they should have eat it, as their appetites were not satisfied; one prisoner stated that he was a small eater and had not suffered materially from hunger, he had no doubt but others had, as he had seen them pick up potatoes and potatoe skins from the gutter and eat them. That

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before the examination had proceeded far, Mr. P. entered and observed to the Committee that the prisoners were not legal witnesses, and that what they might say could not impeach any person's conduct, or words very similar. That during the whole time of the exmination he manifested much temper and warmth, and seemed very unwilling that any inquiry should be made. That his manner toward the Committee was disrespectful and offensive, and several of the Committee expressed much dissatisfaction at his couduct, and at the result of the inquiry. In 1832, on the hearing of the petition of Benjamin Granniss and others, it was testified before the Committee by one witness that during the last winter, four hogs had been kept, and fed on meal purchased for the prisoners, and that two of said hogs were owned by Mr. P.; two or three witnesses testified that the water which the prisoners had to use during a part of the summer and autumn of 1830, was extremely offensive, and that Mr. P. refused to allow them better water; several witnesses testified that the prisoners complained of hunger and inability to labor for want of food; two witnesses testified that they had seen the prisoners take the offal and intestines of slaughtered cattle and cook in lime when it was slacking and eat it, and also potatoes cooked in the same manner; one witness testified to the treatment of the sick, particularly that bread pills had been substituted for the medicine ordered for a sick man, and salt beef for beef-steak, and also that the bed and bedding had been taken from a prisoner in the most severe weather of the last winter, and he had lodged upon the stone floor. To this testimony there was no opposing testimony offered. The Committee was satisfied that something was wrong in the conduct of the Warden, but did not deem it necessary to take order upon it, as it was not the subject committed to them. The application of the Messrs. Granniss, was reported upon by the Committee unfavorable to the prayer thereof, on the ground that the petitioners had not proved the other allegations as set forth in their petition; and further the deponent saith not."

"ROGER HUNTINGTON."

"Charles P. Huntington, of Norwich, aforesaid, and of lawful age, testifies that he was one of the Committee referred to in the foregoing deposition of the Hon. Roger Huntington in May 1832, and recollects the testimony given before said Committee to be as he has stated it."

"CHARLES P. HUNTINGTON."

Henry Havens.—"I was at work on the roof of the west shop in 1828, and a prisoner was laying a brick floor in the same shop, and so situated that I could see him. Amos Pilsbury came in and said 'why don't you work faster you lazy fellow,' and made use of some other pretty harsh language. He then went off, and after a while returned, and said 'you don't mind me'—and took hold of him, shook him, and threw him down upon the brick pavement, kicked at him, and I supposed kicked him, appeared to be in a passion. The prisoner appeared like a person sick a long time. He was pale, emaciated and feeble, appeared like a man in a consumption. I did not think he was able to work."

Cross-Examined.—"Mr. P. pitched him forward, head first upon the brick floor. he was laying the floor. I was perhaps 20 feet from them, and could have heard common conversation. The roof was not boarded over the prisoner. The prisoner said nothing to Mr. Pilsbury, and made no resistance in any way or manner. This was in November or December, 1828.—When the prisoner got up, he stood some minutes and did nothing, seemed to be lost or confused. The prisoner did not perform as much as a man able to work ought to do, but he did not appear to be able to work."

Samuel Colby, (recalled.)—"I recollect that Fagan complained of being sick, several times before Botsford died. He appeared sick; was obviously running down; was unable to labor. This was two or three weeks before Botsford's death. During this time, I have often seen his vessel containing his food, taken out of his cell with his food untasted. He said he could not eat. He was then at work in the shoe shop. Sometimes saw him in the shop not at work. His bowels appeared to be swollen, but not so much as Botsford's. Should not think he was fit to labor. Ought not in my opinion to have been put to work. We all thought so, that saw him. He was very feeble and low, for many weeks while he was kept at work.

"The day after Thanksgiving last year, (1831,) Mr. Pilsbury told Mr. Bement, to leave Whitman in his cell for punishment, without his bed. It was said he had not done his task. He was in his cell night and day for about a week, without his bed

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or bedding. The weather was extremely cold. On the Tuesday after, I went to his cell and found him still in it. He complained very much of his suffering, particularly of his feet from the cold. I saw them and they appeared very sore. I don't recollect that he went to the shop after he was punished in the cell, but think he went immediately to the Hospital. I saw him there very shortly after. He was in the Hospital about ten days. The weather was very severe while he was in the cell without his bed, very severe.

"In the latter part of last January, (1832,) Wheeler was shut up in his cell. I heard Purdy ask him if he would do more work than he had done the week before, if he would let him out. Wheeler replied that he had done as much as he was able to do. Purdy said if he could not do more than he had done, he should keep him in his cell without bed or bedding. Wheeler said, he could not do any more than he had done, let them punish him as they would. He said that he was sick, and could not do more; and might as well stay in his cell as go out on those conditions, as he had the week before done all that he possibly could. Purdy then took away his bed and bedding, and nailed a board across the opening in his cell to make it dark. He was there some time in this situation. The board was then taken from his cell, his bed and bedding were given to him, and a blister was applied to his side, as I understood by order of the Physician. He told Purdy that he was sick, and that was the reason he had not done more. The weather at this time was cold. The windows were opened for ventilation, while Whitman was in his cell.

"The discipline of the Prison from 1829 to April 1830 was better than latterly, since Amos Pilsbury took charge. Should think it had been running down ever since; men are not so orderly in going in and coming out. Converse more in their cells, and in their shops. In the course of the last season, one of the prisoners threatened me that he would have satisfaction if I took any more things from his cell. I reported him to Mr. Pilsbury, but have no knowledge that he ever noticed it. Thought Mr. Pilsbury made less effort to preserve order than formerly."

Cross-Examined.—"I believe Fagan sometimes when he was sick, had different food, but generally his common rations. Have often seen him in the morning set out his porridge, which was his supper night before, and his hash which was his breakfast, and say he could not eat them; they appeared untouched. Often saw him in the cell, and sometimes in the shop. He was usually a bright active lad, but he then appeared dull and heavy, and was clearly very fast running down. This was sometime before Physician saw him, and before Botsford died."

Samuel H. Huntington; recalled by A. P.—"The letter of Moses C. Pilsbury of June 10, 1831, mentioned by me before, was received through the Post Office; was addressed to me. I paid postage 12 1-2 cents, from Derry, New Hampshire. I shewed the letter to Mr. George Goodwin, one of the proprietors of the Courant. Mr. Gideon Welles, the Editor of the Times, called on me, and said that he had a right to the letter, and claimed it, to defend himself against a charge in the Courant. It was published in the Times of the next week after I received it. I believe Amos Pilsbury was in New Hampshire at the time the letter was written. At a meeting of the Directors before the session of 1831, Mr. Welles proposed the removal of the Warden, and spoke of bringing his conduct before the Legislature. Do not know that he expressed any opinion against P. except to the Directors. Mr. Welles made a motion at that meeting, that the Warden should present an account of the rations furnished the men for the last year. I voted against it, as the Records would shew them. Mr. Pilsbury made a return of the labor performed by the convicts for the officers during the previous year. This was in consequence of a motion made by Mr. Welles. The return was satisfactory to Judge Russ and myself."

Cross-Examined.—"You say that the Records shewed the amount of the rations. Is there any other Record kept except the Ration Book?" *Answer.* "There is not."

Q. "When was it that the Ration Book began to be kept, and when did Mr. Welles make the motion?"

A. "The Ration Book as I think, was commenced by Purdy, in Feb. 1831, and the motion of Mr. Welles was in April, 1831, a little more than two months after."

Q. "How then was the bye-law complied with for all the previous part of the year, which required that an officer should "keep an exact account of the rations delivered, and render that account to the Directors under oath?"

A. "I never saw any other book, in

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which an account of the rations was kept, except the one commenced by Purdy. I saw a certificate made by West and Bement, when they were Deputy Wardens, but no account. I had no other information but what was contained in those certificates."

Q. "Did not Mr. Welles bring this subject to the notice of the Directors, as early as June, 1830, that this bye-law was not complied with, and express the hope that it would be obeyed in future." *A.*— "He did."

Q. "Was there after that, any change whatever in keeping the account of the rations, until the time you speak of in Feb. 1831." *A.* "There was no change to my knowledge."

"I drew the Report of 1831, it contained several passages commending Mr. Pilsbury. Mr. Welles objected to those passages, and refused to sign the Report until they were erased, and I cannot say but he signed the Report readily after they were expunged. Mr. Welles did not make any communication to the Legislature in 1831, respecting Mr. Pilsbury.

Q. "Was it not in consequence of these commendatory passages, and your declining at first to erase them, that Mr. Welles spoke of bringing the subject before the Assembly, and that he should be obliged to assign his reasons for dissenting." *A.* "This may have been the reason."

"It was agreed that the Report of 1832, should be neutral, and so drawn that all could sign it."

[The witness here read a letter from Mr. Russ to him dated in May, 1832, in which it was said the Report was designed to be neutral, and so drawn that all could sign, and expressed a wish that the difficulty might be got over or reconciled. He spoke well of Amos Pilsbury.]

"Mr. Pilsbury or his father, has not to my knowledge ever paid any thing for the services of the convicts in their respective families. Never have seen any credit of the kind on the books, or in the accounts I have settled."

[A Letter from Mr. P. to the Directors introduced; shewing the articles made by the prisoners for the officers for the year ending April 1, 1831.]

John Tuller, recalled.—"I have weighed meal for the Prison, brought by Mr. Hawley, but none for Mr. Pilsbury, until since the matron took charge of the cooking, in May, 1831. No recollection of any corn ground for Mr. Pilsbury."

Extract from Bye-Laws.

Section 7. Rule 1.—"No officer or person connected with the Institution shall be permitted to buy from or sell to any convict any article or thing whatever, or make with him any contract or engagement whatsoever, or cause or allow any convict to work for him or his benefit, or grant any favor or indulgence to a convict, except such as the laws allow. Nor shall he receive from any convict, or from any one in behalf of such convict, any emoluments, presents, or rewards whatever, or the promise of any, for services or supplies, or as a gratuity. Nor shall he take or receive, to his own use and benefit, or that of his family, any fee, gratuity, or emolument, from any person committed to his custody, nor from any of their friends, &c., and every officer offending herein shall be forthwith dismissed.

Rule 2.—"The compensation to each and every officer shall be fixed and settled by the Directors, before he enters upon the duties of his office, and no officer shall be allowed or permitted to take or receive any other or greater compensation, than the sum so fixed, nor shall he take or receive, either from the public property, or in the labor or services of the convicts, any perquisite whatever without the consent of the Directors in writing."

Edward Goodwin.—"The documents referred to in the article in the Courant of June 7, 1831, were a letter from Dr. Woodward, in which he stated there had not been the least concert between himself and Mr. Welles respecting the removal of Pilsbury. A certificate of a citizen of Wethersfield that Mr. Pilsbury had said that Mr. Welles had treated him as kindly as a father, and a certificate signed by Moses C. Pilsbury, John Russ, and John S. Peters respecting some business contract, in which there was a clause implying that Mr. Welles had continued in the direction of the Prison, at the request of Moses C. Pilsbury. These were intended as an answer to an article in the Times of June 6, 1831. Mr. Welles shewed me nothing against Mr. Pilsbury. Immediately after the publication in the Times of the letter of Moses C. Pilsbury, of June 10, 1831, Mr. Welles called upon me with a certificate of Dr. Woodward, and one or two others, from persons who had been employed about the Prison, respecting the treatment of the sick. He did not request me to publish the certificates. I supposed his object to be to have the public apprized that there was a sufficient answer which might be made to the attack of Mr. Pilsbury, but I understood him to say he did not propose to publish any thing until Capt. Pilsbury should make some specific charge, and he should then feel bound

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to shew the origin and nature of the difficulty."

Samuel H. Huntington, recalled.—"In the month of February, 1831, during the Superior Court, Mr. Shepard and Mr. Crary came up to myself and Mr. Welles in the Court House, and spoke of a current report which they had heard in Hartford, respecting the intemperate habits of Mr. Pilsbury, said they had understood he had been een intoxicated in the streets of this city. Mr. Welles expressed his disbelief of the reports, said that he had been at the Prison almost daily for a number of months, while the addition was building, and had never seen Mr. Pilsbury intoxicated."

George Stillman, called by A. P.—"In October, 1831, Dr. Woodward was visiting at my house, and spoke of the French Commissioners, who were then here. He said he understood they considered this the best organized Prison they had found, either in this country or Europe. While he was speaking, they passed, and he said, 'they are going down to Judge Welles' to dine.' I do not know that he had himself seen them, except at a distance, or had spoken with them. I have heard him speak in terms of commendation of both the Pilsburys. In 1830, I asked him how Amos got along. He said well; and on another occasion, he said he thought the sick fared better than under the old gentleman, got along well. In 1829, Judge Welles said the old gentleman was an excellent accountant, kept books well. I do not know that he made any other remarks respecting him. Never heard him speak of A. P."

Dr. Leonard Bacon, called by A. P.—"After a limb has been once frozen, it is easily inflamed again from heat or cold. I might form an opinion from the appearances whether the frost was recent or not, but I should not feel confident that I could tell with certainty. As it respects the case of Botsford, should think that a person might keep about comfortably, with an affection of the heart; have known such cases. Mr. Spencer Whiting of this city was one. He sent for me, and I told him he had an incurable disease. Should not think such a person could labor. From the other symptoms stated, should not think him able to labor. I do not recollect to have seen any case where dropsy was accompanied with diarrhœa.

James L. Belden, called by A. P.—"Doctor Woodward has been my family Physician. I keep the Post Office. I have heard him speak favorably of the two Mr. Pilsburys. In the month of January, 1831, he said that the Hospital was supplied with three or four gallons of coffee, and three or four pounds beef steak daily; and that the sick were well treated. In the fall of 1831, he said he had understood that the French Commissioners spoke highly of the Prison. In 1829, he said that he had fifty patients in town, and thirty in the Prison.

"In the month of May last, I went to the Prison to take the deposition of John Tuller, and Mr. Bement. I wrote Mr. Bement's, and he signed it. Mr. Tuller objected to giving his deposition; said he had already testified. I asked him about the corn. He said he did not recollect that Mr. Pilsbury had any corn ground for himself. Mr. Bement then refreshed his memory, and he said he did not know but he might have had some ground, and brought back."

Cross-Examined: Question.—"At whose request did you go to the Prison to take those depositions, and when did you go?"

Answer. "At the request of Amos Pilsbury. He called upon me Sabbath evening, and I went up immediately."

Q. "Did you not know that both these men had testified to some facts against Mr. Pilsbury two days before at New Haven?"

A. "I understood that they had."

Q. "Was it not your object and that of Amos Pilsbury, to get these men to explain away or contradict that testimony?" *A.* "I understood they wished to give their depositions."

Q. "Who did you understand this from?" *A.* "From A. P."

Q. "Did you find Mr. Tuller wishing you to come and take his deposition, or did he refuse to testify before you?"

A. "He refused to testify; said he had once given his testimony at New Haven."

Q. "What then was your motive in asking him further questions?"

A. "I understood from Mr. Pilsbury he wished the depositions to be taken."

Q. "Did you go out to Mansfield with M. C. Pilsbury, to take the deposition of Doctor Salter?" *A.* "I did."

Q. "Are you positive that Dr. Woodward said there were three or four gallons of coffee furnished daily?"

A. "Yes, I say positively not less than three gallons. I've talked with my wife about it. I am positive! sir, positive!!"

Q. "Will you state what you had to do

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with drawing a contrast between Dr. Woodward's certificate and Reports?"

A. "I drew up one. Mr. Barrett came in while I was engaged. He had one. The heading to the article was written by Lewis Gaylord Clark, the Editor of the Mirror, at my request."

Deacon Ebenezer Stillman, called by A. P.—"In March 1832, Mr. W. said to me in conversation respecting Amos Pilsbury, that he thought that we were deceived in him; that he thought him a bad man; said he had understood that several of us had united to support him, because he was a member of the Church. I told him there was a responsibility upon us to support a fellow member. He spoke of him as having been cruel in his treatment of the sick; was unkind and unfeeling. I have heard Dr. Woodward speak of the treatment of the sick, since the Hospital regulations were adopted, as being good generally; that the sick were better off than the poor."

John Russ, recalled by A. P.—"I heard Morrison speak of an article which Pilsbury omitted to charge himself with; think he called it a stand for coffee pot. Morrison said that he had not had the wages allowed to other overseers; and said that Pilsbury had told him that the Directors refused to allow more. I told Morrison, that I did not know that the subject had ever been before the Directors. No remembrance of it. I do not recollect saying that Pilsbury behaved like the devil, as to the Hospital regulations. I said I was dissatisfied with his conduct. As to the Report of 1832, it was the expectation and intention that it should be so drawn, that we could harmonize, and all sign it. It was to be neutral as respects Pilsbury. There was a clause reflecting upon the Report of Dr. Woodward, which Mr. Welles objected to, but which we chose to retain, and we added the other paragraph afterwards, commending Pilsbury. Mr. *W.* had not been present, at any such examination of the officers of the Prison, respecting the cold, as we mentioned in the Report; he was at New Haven at the time, as a member of the Legislature."

Daniel S. Purdy, recalled.—"Wm. M. Thorp was at the Prison in September last, when the Committee first met, and after his deposition was taken. I don't ecollect that I have had any conversation with Mr. Pilsbury, respecting Thorp's certificate. I understood Thorp had given Pilsbury some certificate. I went to New York in August last, to get payment or security for a debt owed by Thorp to the Prison. I got a note of $2,000 indorsed by Van Buskirk. My expenses were paid by the State."

Question.—"What other business had you there?" *Answer.* "No other in particular."

Q. "Then you went solely to secure the debt against Thorp?" *A.* "Yes."

Q. "Did not Pilsbury request you to have Thorp's deposition taken?"

A. "He said if Thorp was not coming on, I must have his deposition taken."

Q. "Was it taken while you were in New York?" *A.* "It was."

Q. "Did you carry any letter or package from Pilsbury to Thorp?" *A.* "I carried down some papers."

Q. "Do you know what they were?" *A.* "I did not read them."

Q. "Do you know what they were by any means?" *A.* "I don't know that I do. I believe there was something relating to the deposition."

Q. "Did the magistrate who took Thorp's deposition, draw it?" *A.* "He did not. It was taken to him already drawn."

Q. "Who did draw the deposition?" *A.* "I believe Mr. Thorp drew it himself. I saw him writing at his house."

Q. "Had he or not, another paper before him, from which he copied it?" *A.* "I believe he had another paper before him, from which he copied."

Q "Are you sure that you did not tell Thorp that you wished him to copy off one of the papers, you carried down from P.?"

A. "I don't recollect that I told him so; think I did not; am pretty sure."

Q. "Don't you know that paper from which Thorp copied his deposition, was one of those you carried down to him from Pilsbury?"

A. "I could not say that it was, I did not read those papers."

[The witness was here shown several letters which he identified as being in the hand writing of Thorp and addressed to Amos Pilsbury.

The Counsel stated that the object in producing these letters was to show that the writer of them Mr. Thorp was an extremely illiterate man; that it was apparent from the very face of them, and from the spelling and hand writing, that he was actually incompetent to have framed that deposition of himself and for this object only they were laid before the Committee.]

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Erastus F. Cook, called by A. P.—"Three or four years ago, there were reports about that the prisoners had not enough to eat, and were starved. I went through the Prison, saw bread and other provisions in several of the cells, and also in joiners shop. I asked what this was for, and understood it was extra rations. This was at the time I first heard any noise about want of rations."

Dr. C. Belden, Deposition offered by A. P.—"Visited the Prison almost daily. A. P. harsh and severe toward the sick; not attentive to them; a post mortem examination satisfied me that the disease of Botsford had been of long standing. Ferdinand and McCarty were kept a work after they were unfit to labor. Ferdinand appeared exhausted, said he had nothing to eat since the night before. A. P. said he might have had if he had called for it.—Ferdinand said he was in the fourth story and nobody had been to his cell; no Hospital room fitted up till 1829. There was a general unwillingness on the part of the Pilsburys to co-operate with the Physician in relation to the sick. Dr. W. spoke to Mr. W.; and he exerted himself to procure better treatment. Orders of Physician respecting the sick disregarded; know this from the prisoners and the admissions of Mr. P.; when I speak of the treatment of the sick by Mr. P. I mean A. P. the present Warden. Water bad, occasioned as I supposeed by cellar drains, or sewers.

Dr. G. Sumner, called by A. P.—"Feet once frozen are liable to be easily affected in future; should think it would be difficult to tell certainly whether frost was recent or not, without a history of the case; might judge from appearances. Dropsy and diarrhœa do not often co-exsist; it is out of the common course; still, there is nothing incredible in our profession. Should have the fullest confidence in the opinion of Dr. Woodward."

Henry Watson Jr. called by A. P.—"I have made a statement of the provision account. To April 1, 1828, the first six months, I make the beef hold over 275 lbs. the potatoes 7 bushels more than the required rations. From April 1, 1828, to April 1. 1829, the beef falls short of what is required 981 rations; the potatoes fall short 2289 rations; beans purchased 26 1-2 bushels, peas 43 1-2.

From April 1, 1829, to April 1, 1830, beef falls short 2185 rations; potatoes fall short 15,221 rations; rice furnished 3174 lbs.; beans 75 1-2 bushels; peas 31.

From April 1, 1830, to April 1, 1831, beef overruns, 535 rations; potatoes fall short 20,287 rations; rice 3567 lbs.; beans 80 1-4 bushels; peas, 17 1-2.

"I have added for 1828, for heads, plucks and tripe; 1995 lbs. to the beef; called the potatoes raised 300 bushels. For 1829, I have added to the beef 1925 lbs. for heads &c. and called the potatoes raised 700 bushels.

For 1330, I have added 2660 lbs. for heads &c.; and called potatoes raised 1100 bushels.

"For 1831, added for heads, 3290 lbs.; and called the potatoes raised 558 bushels.

Cross Examined.—"These amounts of beef and potatoes are included in my estimate; have made no deductions for shrinkage of beef in salting; nor any for potatoes taken for planting, or for the horse or cow, or hogs, or any other purpose; took my account off from day book; did not compare it with Ledger to see that no mistakes were committed; had no other evidence as to the quantity of potatoes raised, except a memorandum by Mr. P.; cannot say that the quantity as stated by Mr. Tuller is incorrect; do not know that the tripes were dressed, or given to prisoners, or whether heads and plucks were served to them. If these items and the shrinkage are deducted it will make a considerable abatement from my estimate."

Nathan M. Morse, called by A. P.—"Says that the head and pluck and tripe of a large ox would be equal as should think to about forty lbs. beef."

Bazaleel Adams, called by A. P.—"Agrees with Mr. Morse; should think shrinkage was 4 or 5 per cent."

[Daniel Shepard was offered to shew that Wm. M. Thorp was a bankrupt and had become dissatisfied with Mr. Welles because he was opposed to his renewing his contract. Testimony rejected.]

Joseph M. Morrison, recalled.—"Have often heard both the Pilsburys speak reproachfully of L. R. Welles; considered him a trifling character; called him indolent; this was the uniform language of the family until near the time he married into the family. I recollect on one occasion when L. R. Welles was walking by, Amos Pilsbury's mother asked him (Amos) what kind of Deputy Warden he would make.—Amos replied "I would as soon have a sheep for a Deputy Warden." This was some time before Amos was appointed Warden."

Elijah North, (Deputy Warden and

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Capt. Montague.)—"I was present at a conversation in September last, between Judge *W.* and William M. Thorp. It related to what had been said at some previous conversation at Judge *W's.* house.—Mr. *W.* asked Thorp if he, (Mr. *W.*) had not at that previous conversation told him, (Thorp,) that he should be opposed to Thorp's renewing his contract at the Prison for chair seats, unless he (Thorp) was was more prompt and punctual in his payments. Thorp admitted that this was the purport of the conversation alluded to, and that Judge *W.* had complained of his want of punctuality."

E. L. Brown, recalled.—"The provision account taken off by me, contained each article and the price. These prices I compared with the Ledger, and it was in this manner I discovered the errors in the Ledger. By correcting those errors in the Ledger by the Day Book, my account agrees with the Ledger account. The schedule which I exhibited, shews the provisions actually consumed during the year. The balance on hand appraised at the end of the year, was carried to the next year's account, and invoiced. I feel confident that the several accounts must be taken off correctly, after having tested their accuracy in the manner I have stated."

[Invoice book produced, by which it appeared that every thing on hand April 1st of each year, was inventoried and appraised. Beef on hand estimated at 8 dollars the barrel, and in some instances, 7 dollars.]

John Tuller, recalled.—"When Mr. J. L. Belden called at the Prison in May last, to take my deposition, his object seemed to be, to draw from me some statement which might contradict the testimony I had given at New Haven. I refused to give any deposition before him, as I had once testified. As to the heads and plucks they are not of much account. There are from 12 to 15 head of cattle killed in a day, and we use the heads and plucks as long as they will keep, but they are of no great value. They spoil before they can be consumed. As to tripe, not often saved. Have sometimes known it dressed for the family."

"*City and County of New York, ss.*

"Smith Ely, of the city, county and state of New York, being of lawful age, doth depose and say, that he is well acquainted with William M. Thorp, of said city and county."

Question.—"What is the character of said Thorp for truth and veracity, and is it equal to that of men generally."

Answer.—"It is not good. I have often heard it questioned, and must say, that it is not as fair for truth and veracity, as that of men generally.

"SMITH ELY.

"*Sworn, &c.*"

[A deposition of Benjamin F. Hurlbut of New York, states the same opinion respecting the character of Mr. Thorp for truth, as not good. These depositions were not received in time to be laid before the Committee.]

[The deposition of Dr. R. H. Salter was taken, and mailed in season to have been laid before the Committee, but for some cause it was not received until the Committee adjourned.

He deposes "that the facts stated in his certificate laid before the Legislature, (see page 16,) are true; that he derived his information and impressions respecting the treatment of the sick, from his own observations, or the complaints of prisoners, made in the presence of Mr. A. Pilsbury, or some of the officers, and admitted in many instances to be true, and an attempt made to palliate or excuse the subject matter of complaint, "that early in September last, M. C. Pilsbury and James L. Belden called upon him at Mansfield to take his deposition, that they omitted to put down several of his answers, on the ground as was said, that they were not proper testimony, or not such as they expected, or related to matters to which they did not expect him to testify; that at the time the oath was administered, he refused to swear that the statements thus drawn up contained the whole truth, (as was insisted he should do,) on the ground that many of the answers he had given, were not inserted, and that there were many matters relating to the subject not embraced in the deposition. Does not know how the certificate as to the administering the oath was drawn up.]

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REPORT OF THE COMMITTEE, AND REMARKS.

The penitentiary system as it exists in this country, is, in its theory, one of great beauty and benevolence. It professes to punish, not less for the purpose of reformation than example. It assumes the principle for its basis, that the misguided convicts who are found in our prisons may, by a course of appropriate treatment, be reclaimed from their vicious propensities, and restored to society as sound and safe citizens. In conformity with this principle, it takes the youthful offender from his profligate and abandoned associates, and places him in solitude and silence. It breaks up his habits of idleness and vice, and substitutes, as a relief from the *tedium* of imprisonment, habits of industry and application. It affords encouragement to him who attempts a new course of life. His moments of leisure are devoted to instruction, and in sickness he is to receive the sympathy and kind attentions of those whom the law has placed about him. "The law of kindness is substituted for that of severity," and the prisoner while he finds "the way of transgressors is hard" is to be won back to the paths of virtue and peace, by kind and gentle influence.

These are emphatically the principles upon which the whole system of administration at the Connecticut State Prison is founded, as appears from the code of bye-laws. These bye-laws have been published throughout this country, and in Europe. They have been spoken of in numerous instances, as establishing a more mild and kind system of government, than those of any other similar institution. They are published by the French Commissioners, (who recently visited this country,) in their valuable report, and are spoken of by them in terms of high commendation.

There are a few other principles which pervade that system, that deserve a passing notice. "No subordinate officer shall strike or beat a convict."—"No perquisites shall be allowed" but a rigid accountability is established, with such checks, as if regarded, will afford effectual security against fraud. The officers are not allowed to take a particle of the public property, without the consent of the Directors *in writing*, nor are they allowed to employ a convict for their own benefit, in any case, on pain of dismissal. The sick or complaining prisoner, is to see the Physician in every instance, and to be disposed of in such manner as he shall direct. The food is to be delivered out according to the quantity established by the Directors, and entered daily in a book, which shall be sworn to, and laid before the Board. These are a few of the most prominent particulars.

It will be the object of the following remarks, to shew how far this system, so excellent in theory, has been disregarded in practice; as appears from the testimony which has been adduced before the Committee, and from the Report of the Committee itself.

We propose to insert the whole Report of Messrs. Wilson, Eaton and Woodruff, in distinct paragraphs, and to subjoin to each, such remarks as we shall deem appropriate, and in doing this, shall take the liberty of comparing the Report, not only with itself, but with the testimony.

Extract.

"THE COMMITTEE appointed by the last General assembly, to examine into the state and condition of the Connecticut State Prison and the concerns thereof, and specially to inquire after, and report what errors, if any, have existed, or do exist in the administration of its affairs, respectfully

"REPORT:—That they met on the business of their appointment, on the 11th day of September last, at the Prison in Wethersfield; having given due notice of the time and place of meeting, as well to the Hon. Nathan Smith, the Agent and Attorney, appointed to conduct on the part of the State, the inquiry instituted by the aforesaid resolution; as to the former and present Directors, and to Mr. Amos Pilsbury the then late Warden of the Prison.

"The Agent and Attorney appeared, as did also the Hon. Martin Welles, one of the former Directors, and Mr. Amos Pilsbury, by their respective counsel.

"A motion in writing was presented by the Agent and Attorney for the State, that the hearing be postponed until the 2d Tuesday of October then next, which was granted by the Committee.

"The Prison containing no room large enough to accommodate the Committee, and the parties, together with the spectators who attended, and probably would attend the subsequent meetings of this Committee, they adjourned to the State House in Hartford.

"The Committee met again on the said 2d Tuesday of October, and were attended as before, by the aforesaid parties.

"The Agent and Attorney exhibited the following charges, and produced proof to support them—they were answered on the part of Amos Pilsbury, the late Warden. The Hon. Martin Welles appeared to sustain such of them as were founded on his counter report to the last General Assembly, and to prove the facts in that counter report contained, to be true.

"1. That the accounts were not kept according to law.

"2. That the Prisoners suffered for want of food.

"3. That they were for several weeks furnished with bad water.

"4. That they suffered from cold and bad air.

"5. That the sick prisoners were treated with great cruelty.

"6. That the bye-laws were disregarded.

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"7. That depredations were committed upon the public property.

"8. That Prisoners were illegally punished, for breaches of the Prison Discipline.

"9. That the Prisoners were permitted to leave the Prison.

"The Committee intend to notice each of these charges in the order in which they are here set down; but before they proceed to do that, they would call the attention of the General Assembly to a few preliminary observations.

"It was proved to the Committee that no measure was adopted by the Directors, on a divided vote, from the time the new prison went into operation, up to the appointment of Amos Pilsbury, as Warden. In that appointment, Judge Welles was in the minority; and from that time the unity of action which had produced the most favorable results, appears to have been occasionally interrupted. A majority of the Directors supported the Warden, and Judge Welles withheld his confidence.

"It was natural, therefore, to expect that there would be much of personal feeling in this investigation; and the Committee thought it was due, as well to the General assembly, as to themselves, to declare, on the very first manifestation of personal hostility, that it would be promptly repressed, that being instructed to inquire into the affairs and management of the State Prison, the Committee would attend to that matter ONLY. Holding an even hand between the contending individuals; the Committee would not consent to be made a party to the excitement, which was too apparent to be concealed or overlooked. Their sole object now is, to present the material facts in the case as they understand them, without inquiring how far they may operate to the disadvantage or in favor of any person.

"It is manifest from the papers laid before the General Assembly and referred to this Committee, that there was a great difference of opinion between the Directors—in expressing which, the language of conciliation appears to have been forgotten. Without stopping to inquire with whom this rested; by whom it was produced; or who are right, and who are wrong; the Committee find that disunion was the consequence. And they report it as an error in the administration of the affairs of the Connecticut State Prison.

"A Book has always been kept at the prison, open to the inspection of the Warden, in which the remarks of the visiting Director are written down.

"The Committee report this as an error which now exists at the prison. So long as all the Directors think alike, and act in concert, there will be no difficulty. Then every order of an individual Director, will come to the Warden as from the whole board, and will be implicitly obeyed—but if a different state of things exists, and one Director makes an entry, which is followed by that of another Director entirely contrary—That Director who happens to be in the minority, will meet with but small regard from the subordinate officer, who has before him the recorded evidence of a divided council.

"A Book so kept, affords moreover, the means of keeping alive, if it does not in the first instance produce, unkindly feelings, which may, and often do, intervene between persons, whose duty it is to think upon the same subject, and who are not found to think alike. The remedy is obvious—let no communications be made by the visiting Director, except to the board of Directors—from whom, every order should come to the officer who is to obey it."

Remarks.

There are several things in this introductory paragraph, which deserve notice. In the first place, the adjournment to the State House in Hartford, for the alleged reason that there was no room sufficiently large at the Prison. It would seem almost a matter of course, that a Committee appointed to examine into the state and condition of a Prison and its concerns, should at least have made their examination there, and if no room sufficiently large, could be found at the Prison, that they would have selected the nearest convenient room which could be obtained. There is indeed a chapel at the Prison, capable of accommodating several hundred persons, but if that was deemed an unsuitable place, it was still eminently proper, that some room in the immediate vicinity should have been procured. The prisoners were there, and the officers were there. There, too, were the Prison books, and near to it were the residences of Messrs. Welles and Pilsbury, as well as of almost all the witnesses who were examined. From the Report, it does not appear that the Committee were at any time within the interior of the Prison, or made any personal examination into the condition of the prisoners, the clothing, bedding, the means of warmth or ventilation, or any part of the Prison economy. No reason is stated for selecting Hartford in preference to Middletown or New Haven. It could hardly have been its proximity, for if that reason had operated, a much nearer apartment might have been obtained in the village. The petition of Mr. Pilsbury, on which the Committee were appointed, prays that the Committee shall repair to Wethersfield to make the inquiry, which the Committee construe to mean Hartford, or some other place than the one mentioned.

The time of the meeting of this Committee, and the time when the Report was prepared is no less remarkable. The resolution from which they derive their authority, requires that they deliver their Report to the Secretary of this State, as *soon as their duties are accomplished*, to be presented to the Legislature at the earliest opportunity, at the *present* or next session thereof.

It contemplates an immediate execution of their commission, so that the Report might be returned to the Legislature then in session, or if not then, that it be delivered to the Secretary, so that all parties might be apprized of the decision at the earliest moment. The subject was one which had produced, and was producing much excitement, and it was obviously the purpose of the Legislature, that it should receive the earliest examination and adjustment.—What course have the Committee adopted? Nearly four months elapsed before they met.

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Their first meeting was called, at a time when it must have been apparent, (by reason of the arrangement of the sessions of different Courts,) that neither the counsel for the State, or Mr. Pilsbury could attend, and an adjournment was the consequence. The duties of the Committee were finally accomplished, at their last meeting, held on the 17th of November, and yet the Report was withheld, not only until another State election had passed, but until the Legislature had been convened, and its precise political character ascertained. We would not intimate that the complexion of the Legislature affected the minds of the Committee in the least degree. It is true they were all judges of the county court, and all held their offices by annual appointment, yet we can hardly believe, even upon the authority of the old maxim, "*Tempora mutantur, et nos mutamur in illis,*" that the members of this Committee, although they did delay their Report so much beyond the time when it should have been returned, could have been influenced at all by any change in the political character of the Legislature.

We do not mean to intimate that this Committee, by thus delaying to execute their duties, intended to deter the new Directors from discharging their duty in reference to Mr. Pilsbury, and thus to secure for him the place of Warden for another year, though it is difficult on any other supposition to account for their addressing to the new Directors, a notice of their meeting. Fortunately these Directors understood too well their own rights, as well as the authority of this Committee, to pay any attention to their notice. They delayed the appointment of their Warden three months, for this Committee to meet and make their inquiry, but the interests of the Prison not allowing a longer delay, they proceeded to the appointment, and removed Mr. Pilsbury, for reasons which they state accrued after their appointment to office.

Before we proceed to notice the details of the Report, or to compare its different parts with each other, or with the testimony, we shall make a few observations upon the prefatory remarks of the Committee. They speak of "holding an even hand between contending individuals." Who are the contending individuals? From the Report itself we derive no information, but so far as we can learn from the documents referred to the Committee, it would seem that the "contention" must have commenced with Messrs. Russ and Huntington, in assailing Dr. Woodward, and reflecting upon him for his statement relative to the sufferings of the prisoners from cold, contained in his Report, (vid. page 8.) Mr. Welles refused to join in this censure, because he believed the statements of Dr. Woodward to be true, and because they coincided with his own observations at the Prison, as appears from his entries in the Director's Book, (vid. page 30–31.) He also claimed it was in violation of an agreement, that the Report should be so drawn, that it might be unanimous. Now the Committee have found every fact stated by Dr. Woodward in his Report to be true. They have found that the prisoners suffered from cold, and have pointed out a remedy; that their feet were frozen; and that the air in the Hall was offensive for want of ventilation.

In their remarks under the 4th charge, they have put Messrs. Russ and Huntington entirely in the wrong, in their clause reflecting on Dr. Woodward, in which Mr. Welles refused to concur. The nominal parties to this controversy, are the State of Connecticut on one side, and Amos Pilsbury (who has asked for this inquiry into his conduct,) on the other. The real parties, are the suffering and complaining prisoners, on the one hand, and Amos Pilsbury and his accomplices on the other. It is between these parties the issue is made up, and between them it was the duty of the Committee to pass, and it is upon the manner in which they have discharged this solemn duty, we shall have occasion to remark, and we say they have not held an even hand between these "contending individuals" the real parties in this controversy.

Again the author of the Report remarks, "It is manifest that from the papers referred to this Committee, that there was a great difference of opinion between the Directors, in expressing which, the language of conciliation appears to have been forgotten." Now we have examined with some care, the two documents which came from the Directors, and have been unable to discover any exceptionable language. If the Committee discovered any, would it not have been, at least, respectful to the Legislature to have pointed it out. If the subject was worthy of notice at all, it certainly required to be treated distinctly, and in justice to all the Directors, the Report in which the offensive language is found, ought at least to have been given to the public. We think the Committee will find it difficult to be very definite in this particular.—The public however can judge for themselves, as the documents are now published, and are found in the preceding paragraphs, being the Report of Messrs. Russ and Huntington, and the counter Report of Mr. Welles.

Extract.

"I. In respect to the first charge that the books were not kept according to law. The Committee find that the books of the prison, have been kept by the respective Wardens, by double entry as is by law provided.—That there are several mistakes to be found on the books, such as errors in posting, and wrong addition. It was not claimed that any entries in the day book were erroneously made.—It was proved that the settlements made by the Warden with the Directors, were always made from the entries on the day book. It was claimed on the part of the Warden that an error in distributing the items in the day book, to their several heads in the Journal, and Ledger, would not affect such settlement. From the testimony of the witnesses who have been examined on this point, and from an inspection of the books by the Committee themselves; they cannot find any fraud, or fraudulent intent, on the part of Amos Pilsbury. The most that can be said is, that he has committed mistakes

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to which all book keepers are more or less liable, and that he is not a *perfectly* correct book keeper. The Committee would report that to impose that duty upon the Warden is an error which ought to be corrected, and they are the more firm in that opinion, from reading in the 11th page of the Report in 1825, of the Committee appointed by the General Assembly to inspect the condition of the New-Gate Prison—in which that Committee say—

"'We would dismiss that part of the subject, by suggesting, that some person should be especially 'designated, whose duty it should be to keep the accounts of the prison, after the most approved form 'and in a method to be prescribed by the Comptroller.'

"To which this Committee would subjoin and repeat, from page 9 of the same report—

"'Whether it is not expedient to relieve and exempt the keeper of this institution from any parti- 'cipation in its commercial transactions with the public—whether he ought not to be placed upon 'the high ground of a responsible executive officer, entrusted by the State with the administration of 'its primitive justice on its felons—whether his usefulness will not depend not only on his authority 'within the Prison, but on his possessing the confidence of the public, and the favorable regard of the 'persons in the vicinity. The Committee have been led to doubt whether he can retain this favora- 'ble regard, and at the same time preserve a strict and rigid course of duty to the State, so long as he 'is constantly mingling with every class of the community, in its pecuniary concerns.'"

Remarks.

In the first place there is neither statute law or bye-law, which requires the Warden to keep the Books by *double entry*, as the Committee have asserted. In this they are mistaken, and we refer to this fact merely to shew, how vaguely and inaccurately they understand the whole matter. In the next place, the quarterly accounts, are nothing more than the cash accounts. They do not shew the income, expense, or earnings of the Prison, and compare throughout with the Ledger as posted.

Again, the Committee say they do not find any fraud, or fraudulent intent. Now the question of fraudulent intent, is to be decided by inferences drawn from facts, and yet the Committee do not tell us what the facts are. The charge is, that the accounts are not kept according to law. Do they find this charge proved, or not proved. No: on this point they are silent. They say, indeed, that there are several mistakes to be found on the books, such as errors in posting, and wrong addition. That Mr. Pilsbury has committed errors to which all book-keepers are liable, and that he is not a *perfectly* accurate book-keeper, and this is all which the public learn from the Committee. Now let the Report on this point be compared with the testimony of Messrs. Brown, Catlin and Perkins, at pages 21 and 22. Why have the Committee suppressed the fact, that these books were out of balance more than $1000. Why suppress the startling fact, that Mr. Pilsbury had intentionally falsified his own books, and had made alterations from right to wrong, so that in a single instance the sum credited the State was diminished $100, by the erasure of the figure 3, which was right, and the substitution of the figure 2, which was wrong?

Why do they omit to state, that the books have been settled with all these errors in them, and have, according to the annual statement of the Warden to the Directors and the Legislature, appeared to balance, when the balances must have been *false* and *forced*. To this kind of book keeping, the Committee have applied the gentle remark "that the most which can be said is, that he has committed mistakes to which all book-keepers are liable." We doubt whether there is any public Institution, where a book-keeper could make such "*mistakes*," and still be retained in his place, after the errors were detected. We are aware that the most honest and accurate book-keeper is liable to mistakes, but the whole mercantile community well know, that an accurate and honest book-keeper will not endeavour to conceal his mistakes by false footings, and forced balances. If he cannot discover the source of his mistakes, he will state them as errors. The very fact, that a man falsifies his own books, and alters them from right to wrong, furnishes strong *prima facie* evidence of a fraudulent intent.

Now, how does Mr. Pilsbury deliver himself from this inference of fraud in book-keeping. No explanation appears, and none has been attempted, either by Mr. P. or his counsel. The Directors all say, they were not apprized of these falsifications of the books, but supposed the books would balance without being forced. The examination of the quarterly accounts, does not help him. These appear to be nothing more than the cash account, specifying minutely, the persons from whom, and to whom, monies are received or paid, and for what purpose, and are compared with the vouchers. It is true, that these accounts are taken from the Day-book, but it is equally true, that the Ledger is taken from the Day-book, and it seems from all the testimony, that the quarterly cash accounts and Ledger cash account, agree precisely, and that if one is wrong, the other is. Now what has become of the $130, of which the witness speaks. He says, "that in his opinion it affects the State." It is clear from the books, that the gain for the year, was really $130 more than Mr. P. has shewn it to be, by his Annual Report. Where is this sum? does his cash account hold over? No. Has he paid it to the State? it is not pretended. He has paid no more to the State, than the sum which would be sufficient to balance the books, as he had kept them. The Committee as if feeling themselves pressed with this subject, say it is an error to impose the duty of keeping the books upon the Warden, which ought to be corrected, and to fortify their opinion, they cite two passages from the Report of 1825. The Committee who made that Report, were Messrs. Russ, Welles, and Peters, and it

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relates to the condition of New-Gate Prison. Would it not have been well for the Committee in this investigation, to have compared the condition of the two Prisons, before citing these passages?

At the new Prison there is a Deputy Warden, who is charged with the whole interior management and conduct of the Institution, and the safe keeping of the prisoners, thus leaving the Warden at liberty to attend to the other business of the Prison, and the accounts. At New-Gate there was no such officer. If the suggestions of the Committee were to be adopted, it would be rather difficult to ascertain what duty the Warden had to perform, after being relieved from keeping the books, and from the management of the financial concerns of the Institution. The present system was adopted with great deliberation, has worked well in practice, has been introduced into other Institutions, and warmly commended by all who are acquainted with its details, and now it is to be unsettled and broken up for the mere purpose of screening an individual from *public odium*. It does not appear that Mr. P. has not the *leisure*, or *skill*, to keep these books correctly, but rather that he has not the disposition to do so. The defect therefore appears to be one of intention. From the managers of the Prison Discipline Society too, this system has received the most unqualified approbation. We quote a single remark from page 20 of the first report. "The plan is simple, it is well provided with checks and balances, and with men of *integrity* to fill the places of *Directors* and *Warden*, it will without doubt be successful. Without such men, neither this plan, nor any other, can save the State from continual fraud. The officers if they are destitute of moral principle, can find opportunities for deception and iniquity. It is therefore of the utmost importance that men of *great integrity* should be entrusted with the execution of the plan, or the plan proposed will fail." We commend this passage to the solemn consideration of the present Directors of the Prison, and the public. We close our remarks under this head, by referring to the Statute. That requires that the Warden should cause the accounts to be *accurately* and *systematically* kept. If this be an error it is one committed by the Legislature, and one in which they have persisted from the first establishment of a Prison in this State.

Extract.

"II. The second charge, that the prisoners suffered for want of food, has been carefully enquired into. There is, perhaps, no subject on which the sympathies of a people, accustomed to an abundance of food, would more intensely fix, than that a case of starvation should occur among them—and to starve a *prisoner* and impose a heavy task upon him besides, for the purpose of making a profit out of his agony—is a charge of such deep depravity, that no man could for a moment sustain himself after it was proved upon him.

"On this point, the Committee heard much testimony. They have carefully examined all the calculations and estimates that have been laid before them. They find the fact to be, and they would state it as briefly, and as decisively as possible, that this charge is not proved.

"The cooking was formerly done in the yard of the prison, by male convicts—the rations for each prisoner was taken to his cell, by persons specially directed to perform that duty, this afforded room for partiality and unfairness. It was found to be an error in the administration of the affairs of the prison, which was corrected in the spring of the year 1831. Since that time the cooking and delivery of the rations, have been under the direction of the matron, and it was conceded on all hands, that she has performed the duties with the utmost faithfulness.

"The Committee cannot dismiss this part of the subject without observing, that the Wethersfield prison is remarkable for the healthfulness of the convicts, the deaths that have occurred there since its establishment including the epidemic which broke out among the convicts in 1829 amount to about two in every hundred.

"In the Massachusetts Prison according to the testimony of the Rev. Louis Dwight, up to 1831, the mortality was 2 1-2 per cent.; at Auburn, up to 1832, 2 1-2 do.; at Mount Pleasant, up to 1831, 3 do.; at Philadelphia, up to 1832, about 6 do."

Remarks.

We confess ourselves unable to reconcile the premises with the conclusion in this case. The charge is that the prisoners suffered, for want of food. The exposition of facts by the Committee is, that before the matron took charge of the cooking and delivery of the rations, the mode of distribution afforded room for partiality and unfairness which was found to be an error and was corrected. The conclusion of the Committee is that therefore the prisoners did *not* suffer for want of food or the charge is not proved. Now how was the former mode of distribution *an error* if the convicts did not suffer by it. It would seem to be quite immaterial how food was divided if each was amply supplied. If they were so supplied, then that which the Committee call an error was *no* error at all.

If those who were the victims of their partiality and unfairness did in consequence suffer from hunger it was undoubtedly an error, an evil which ought to be corrected. But in that case what becomes of the conclusion of the Committee, that there was no suffering from hunger. Either there was suffering or there was not. If there was no *suffering* there was no *error* and if there was suffering, then have the Committee made an impro-

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er finding. In our opinion such trifling little becomes a Committee who are commissioned to inquire after the sufferings of their fellow men. We now ask of the Committee what were the estimates and calculations which were laid before them, from which they inferred there was no suffering for want of food. We find but two in the testimony, one made by Mr. Brown, and the other by Mr. Watson, the clerk of one of Mr. Pilsbury's counsel. Mr. Brown's estimate may be found at page 41-2. He testifies that he took the articles of provision from the day book, and then compared his account with the Ledger and was satisfied of its correctness. Every thing was taken from the Warden's books except the quantity of potatoes raised (which did not appear upon the books) and that has been proved by the testimony of one of the guard. The whole subject of the rations is presented in the note at page 42, to which we refer. From this testimony it appears, admitting that the whole quantity of provisions purchased by Mr. Pilsbury, had been distributed to the prisoners. there was in some years a deficiency of nearly one-third of the rations required. The only other calculation which was made was that of Mr. Watson who it appears did not compare his account with the Ledger, and thus test its accuracy. It also appears that he assumed the quantity of potatoes raised to be several hundred bushels more than were raised. He also makes up his quantity of beef by adding several thousand pounds for the head, haslet, &c. at 35 pounds each, when the testimony is that the cattle were slaughtered, day after day, in such numbers that these articles could not be preserved and ought not to be estimated at any such rate as Mr. Watson supposes. Mr. Watson has taken off no account of flour and meal. But take his statement as it stands without any abatement for its errors. It will then appear that in 1828, there was a deficiency of near one thousand rations of potatoes. In 1829, the beef falls short between two and three thousand daily rations, and if the heads and haslets be deducted, the deficiency is more than four thousand rations. During this year, allowing Mr. Watson's statements to be correct, he makes the deficiency of potatoes to be nearly *sixteen thousand rations* and for the next year more than 20,000 rations *vid. page* 91. (A ration is the daily allowance for one man.) Now both of these calculations were in the hands of this Committee and were the only ones which, were sworn to before them. Can the Committee be serious when with such documents before them they can say that the prisoners have not suffered from hunger. Take the testimony of Mr. Pilsbury's own book as sworn to by his own witness or Mr. Brown and there must have been extreme suffering from hunger.

But let it be remembered that both these calculations are founded upon the supposition that all which was purchased and charged to the State, was received by the prisoners, and that from these very stores the hogs were fattened, and meal, beans and potatoes were taken for the family of the Warden, and for his horse, cow, and potatoes for seed. In this point of view it matters not whether they were taken rightfully or wrongfully. It is sufficient that they *were taken* and therefore not received or consumed by the prisoners.

Let every person make such deductions from these calculations as he thinks the testimony will warrant, and then ask himself whether these unfortunate beings suffered from hunger.

But this is not the only testimony. It seems that the cost of all the rations which were supplied during the year 1829, was but $15,52 per year, or four cents and two mills per day, for one pound of beef, one pound of bread, 1-20th bushel potatoes, and supper of pea porridge. Is there a town in Connecticut where this amount of provisions can be furnished for four cents and two mills? Now by Mr. Pilsbury's own estimate in his invoice book, he has appraised the beef on hand at from seven to eight dollars the barrel, or about four cents per pound, thus making the ration of beef alone cost as much within two mills as each of the prisoners has received per day. Can a man live and perform labor upon provisions which have cost but four cents and two mills per day? Let the common sense of any man answer this question.

But there is still other testimony. It seems that the complaint of prisoners for want of food have been of the most urgent and importunate kind; and although the Committee have refused to hear the complaints, or even allow them to be proved, their cries and entreaties for food are to be found upon almost every page of the testimony.

Every officer who was connected with the Institution previous to 1830, and who has been sworn in this inquiry has testified to the suffering and complaints of the prisoners from hunger with a single exception (Mr. Bement), who is silent on that point. They,

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all state the same thing in different language, that the rations appeared small, insufficient, not enough for a laboring man, the ration of beef not more than four or five ounces, that they fell short in their opinion of the legal rations, that the rations under the Matron were much larger than before, although not altered by the Directors, that men could not live upon them. That this was the condition of the rations is proved by the testimony of Mr. French (Mr. Pilsbury's own witness), Mr. Tuller, Mr. Stiles, Mr. Morrison, Mr. Colby, Mr. Stevens, and Dr. Woodward. Not an officer of the Prison has been found who contradicts the testimony of those witnesses in regard to the rations in the slightest particular. In addition to all this, according to the testimony of a large number of witnesses, the prisoners were seen scuffling to get at the morsels of food in the swill barrel; they were seen struggling too for potatoe skins and eating them with a ravenous appetite, devouring cattle's feet from which the oil had been extracted, and which were thrown out in their uncleansed state, roasting potatoes and the entrails of cattle in lime and devouring them. These facts are proved by the testimony of Mr. W. Havens, Mr. C. Huntington, as well as by the testimony of almost all the first named witnesses. We know these are disgusting details; but they are the details of the suffering of our fellow men, placed by the authority of the law in the custody of Mr. Pilsbury.

Against this mass of evidence, not a syllable, not even the slightest particle of testimony has been produced except the *opinion* of two or three individuals who were occasionally at the Prison, and who thought the rations were sufficient, such as Deacon Stillman. There is not the slightest attempt to prove that before 1830 the rations had been given to the prisoners, and for all this period the Messrs. Pilsburys stand wholly undefended. Condemned by their own books, condemned by their Reports to the Legislature of the Provision Expenses, condemned by the testimony of every officer who has spoken on the subject, and finally condemned by the proof of the disgusting and brutal acts of the prisoners driven to desperation by the extremity of their sufferings. If this charge is not proved there is no faith or efficacy in human testimony. There is a degree of wanton cruelty and barbarity in the conduct of the Warden as disclosed in this testimony, which must excite the indignation of every humane man who examines the subject.

Extract.

"III. The Committee find that the third charge is proved as the same is herein specified. That the water in the well which supplied the prisoners, was very offensive for several weeks in the latter part of the summer of 1830. It was proved to this Committee that the same thing had occured in former years, and that without any known cause, the water would regain its former sweetness.

"The first information that the water was offensive, was communicated to the Board of Directors on Monday. The warden was sent for, and on Wednesday following, a new well was dug, which, from that time to this, has produced an abundant supply of good water. It was not distinctly made to appear to the Committee, whether this new well was provided by the order and exertions of the Board of Directors, of any individual Director, or by the Warden himself. The Committee have been led to think that this bad water was an unavoidable evil, and they cannot find that either the Directors, or the Warden, manifested any unseasonable delay in correcting it."

Remarks.

This charge of furnishing the prisoners with bad or offensive water for several weeks, the Committee find to be proved. They subjoin an apology, however, for Mr. Pillsbury, which we will examine. They say, the first information that the water was offensive was received by the Board of Directors on Monday, and a new well was dug on Wednesday following, which, from that time, has produced an abundant supply of good water. So far as the Directors are concerned, it appears that when they were acquainted with the condition of the well, they or one of them, acted with great promptness. But how does this justify the Warden? It appears he was acquainted with the offensive quality of this water, and he knew that it was occasioned by a drain from the cellar which discharged into the well. Yet the Directors did not learn its quality from him, but from a complaining convict. He had compelled the prisoners to drink this water for at least five or six weeks, while it was extremely offensive to the smell and taste, although there was good water in the well which was within a few feet of the Prison-wall. All the testimony proved this water to have been of the most offensive kind. One witness says it smelt like putrid clams—another, it was offensive, intolerable, prisoners could not drink it, and preferred to go without. Mr. Russ says it was like stagnant bilge water. Dr. Woodward says it was like the worst water he ever tasted, most offensive to taste and smell, and entirely unfit to drink. Three witnesses, Messrs. Belden, Huntington

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and Obear swear it affected the health of the convicts. One witness says the beef brine was frequently emptied into this drain; and another, Mr. Bement, that when the springs were high, the water from the cellar passed through this drain into the well. No one who reads the testimony will doubt that for several weeks there must have been extreme suffering among the convicts, and that they were compelled by Mr. Pilsbury to drink this corrupted and offensive water, offensive even to the smell. Now why was this? There was an excellent well a few feet from the Prison door, and the pure and wholesome water of the Connecticut river is found within a few yards of the Prison walls, and a new well was dug in the Prison yard, and completed in less than forty-eight hours from the time Mr. Welles is seen tasting the water.

The Committee say that this bad water was an *unavoidable evil*; and yet in the same sentence, they shew it *was avoided* and corrected without any unseasonable delay, and as it appears, in two days. Do the Committee understand the import of their language, when they involve themselves in such contradictions. We do not readily perceive how this bad water can be called an *unavoidable* evil, when it is so easily avoided and corrected, nor how there can be an *unseasonable delay* in correcting an *unavoidable evil*. It was remarked by one of the counsel for Mr. Pilsbury, that "this Report was looked for with great interest in Europe." How this might be we know not, but that it must have a wonderful currency in *Ireland*, as a specimen of writing heretofore peculiar to that country, no man who reads the above passage can doubt.

But upon what basis does this apology for Mr. Pilsbury rest?—The very statement of the Committee shews that he deserved censure for neglect, and that the evil was easily removed. To compel a person to drink such water for a single day is offence enough.—But when the Warden of a Prison situated in a land abounding with pure and wholesome water, which could be easily obtained, confines 180 convicts during the heats of Summer and Autumn, and notwithstanding their complaints and entreaties, and the remonstrances of his officers, compels them to drink this filthy and corrupted water, so offensive even to the smell, and refuses them better water even for five or six weeks, he is guilty of an outrage which few men except this Committee will defend or excuse. We say in the language of the Counter Report, "that a more wanton and unnecessary privation was never imposed on a prisoner."

Let it be remembered that this charge is found by the Committee to be proved. We shall recur to it again.

Extract.

"IV. That the prisoners suffered from cold and bad air.

"On this point the Committee find, that the cold in the most exposed parts of the Hall where the prisoners sleep, during the time complained of, was not severe enough to freeze water standing there in buckets.

"The prisoner's feet could not have frozen there. It was proved to your Committee that three of the prisoners suffered from frosted feet, and that many more were affected with chilblains. The prisoners never go to a fire, they are marched into the open yard, without any additional clothing, from their warm work shops, after undergoing an examination, they are then marched to the Hall, where they attend to divine worship.

"They then march past the place where the rations is presented to them, after which they march to their cells, and are locked up for the night.

"The Committee are of opinion that here is an unnecessary exposure to cold. In very severe weather the duty of a search might be performed in the Hall.

"In respect to ventilation the Committee find that the Hall was warmed by stoves, that there are apertures in the ceiling to permit the foul air to escape. Notwithstanding which the air in the Hall becomes very offensive before morning.

"In the original construction of the cells each one was provided with a passage which ascends to the roof for the purpose of ventilating each cell; these are covered with a piece of tin, full of small holes. It was testified before the Committee, that such covering would not probably permit the air to pass with sufficient freedom.

"The complaint most insisted on was, that one of the stoves which had been constructed so as to admit the external air to pass between the outer and inner plates, and come warm into the room, had been removed, and the air from the room used, by which it was claimed that a greater quantity of heat was produced. Here was a difference of opinion between the Directors. The Warden obeyed the majority If there was an error any where, it was an error in judgement. The Committee do not find any evil intention on the part of any officer in relation to this matter.

"The Committee are aware that there is a great difficulty in using artificial heat and at the same time preserving a pure atmosphere where so much is consumed, by the perpetual breathing of so many men! But from all the testimony which the Committee have heard on this part of the case, they are persuaded the convict, when once in his cell, enjoys as much of warmth and purity as are to be found in the filled tenements of a crowded city, and at no time does he suffer more hardships than an ordinary

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seaman on a voyage. It is perhaps worthy of consideration, whether the expense of heating so large a Hall, applied in furnishing thicker body, and bed clothes, would not render the convict quite as warm, and much more comfortable. With clothes enough to protect him from the cold in his passage from his shop to the cell; and bed clothes sufficient to keep up that temperature he would remain so through the night, he could not suffer by the neglect, or want of skill, in a drowsy watchman, to keep up a fire of anthracite coal.

Remarks.

This subject of cold and ventilation presented in the above clause, it will be recollected, was made the occasion of bringing this whole controversy before the Legislature.—Dr. Woodward in his report to the Directors, in conformity with the duty imposed on him by the Hospital regulations, stated to them his opinion that the prisoners confined in the cells with incipient disease, had suffered with cold, and especially in consequence of raising the windows in the cold season to ventilate the Hall and cells. He also stated that three or four prisoners had suffered from frozen feet, one of them severely, as appeared from his entries in the Hospital Record.

Messrs. Russ and Huntington, in their Report to the Legislature, impliedly deny this whole statement, reflect upon the Physician for making it, and express their surprise, if the convicts had thus suffered, that the facts were not communicated to the Directors at an earlier day. They also say, they have inquired into this subject among the various officers of the Prison, and learn from them there could be no such suffering: that greater efforts have been made to warm the Prison, and that the clothing of the prisoners has been *equally warm*. Dr. Woodward expressed his entire willingness that the clause in his Report should be erased, or the Report itself destroyed. Mr. Huntington refused to erase the clause reflecting upon Dr. Woodward. Mr. Russ was confined at home by illness, and it is a matter of regret that he suffered himself to be drawn into this attack upon the Physician. Mr. Welles refused to agree to the exceptionable clause in the Director's Report, reflecting upon Dr. Woodward, and assigned the following reasons:—If Messrs. Russ and Huntington are satisfied that Dr. Woodward is mistaken, let them suppress the Report. There is no need of presenting an erroneous statement to the public, for the mere purpose of refuting it. That the statement of Dr. Woodward coincided with his own observation. That he believed the prisoners had suffered from cold and bad air, and had communicated his opinion to the other Directors in the Director's Book; and that he could not concur in censuring the Physician for not giving earlier notice to the Directors, when he had entered the precise fact that there were frozen feet in the Hospital Record, as soon as he made the discovery. This subject is fully presented at page 10.

This question of suffering from cold and bad air, was the precise question submitted to the Committee by the Legislature, and should have received from them an explicit answer. It is true the Committee find the principal facts stated by Dr. Woodward or Mr. Welles to be true, that the prisoners suffered from frosted feet—that they never go to a fire—that they are marched from their warm shops, without any additional clothing, and undergo an examination in the open air—that there is an unnecessary exposure to cold, and impliedly recommend that the prisoners be supplied with thicker body and bed clothes, and thus they would not suffer by the neglect or want of skill in a drowsy watchman to keep up a fire of anthracite coal.

Now why did not this Committee, after finding all these facts, go on and give to the Legislature and the public, a fair and impartial history of the origin of this controversy? If Dr. Woodward was wrong in making the statement contained in his Report, let him be exposed. If Mr. Welles was wrong in refusing to join Messrs. Russ and Huntington, in their attack upon Dr. Woodward, let him be censured. If Mr. Huntington, taking advantage of the long and distressing illness of Mr. Russ, which had enfeebled his body and mind, and finally terminated his life, drew him into an unnecessary, wanton, and unsustained attack upon Dr. Woodward, let him be held as the author and promoter of this controversy.

Suppose for a moment, that Mr. Huntington had consented to erase from the Report the clause in question which censures Dr. Woodward, and which it now appears from the finding of the Committee was entirely unfounded, Mr. Wells would then have signed the Report, and Mr. Pilsbury would have been left, as he ought to be, in the hands of the Directors. By such a measure on the part of Mr. Huntington, this expensive and futile investigation before the Committee, would have been avoided, and the public would have been relieved from a Report which we believe is without a parallel. A Report which,

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while it has ascertained nothing with precision, is at variance alike with itself and with the testimony. If any one shall doubt that this whole controversy has arisen from the conduct of Mr. Huntington, let him read Mr. H.'s own account of it at page 57, together with the testimony of Dr. Woodward. But why does Mr. Huntington wish to attack Dr. Woodward, and to draw in Mr. Welles to join in this attack. We think the reasons may be readily found in the testimony.

It seems this project of cutting off the supply of external air through the furnace, originated with Mr. Huntington. He had found that these furnaces worked better when the air was taken from the room to be warmed, than when external air was admitted for that purpose, and that the better method of ventilating the apartments was by the doors and windows in cold weather in preference to the method formerly pursued, vid. his entry at page 31 and page 55. This was Mr. Huntington's philosophy, and the Committee say *if* it was an error it was *an error of judgment.* Dr. Woodward probably not aware that he was attacking the philosophy of Mr. H., speaks of this mode of *warming* and *ventilation* as producing suffering among the prisoners, and a bad state of air. He supposed the raising of windows in winter when stoves were used to warm the apartment was hardly consistent with good economy or sound philosophy. Mr. Welles in his entry, said he thought the difference between the temperature of the hall and shops was too great for the health and comfort of the prisoners, and is urgent that the former mode of ventilation shall be restored. Mr. Huntington cautions the officers not to overheat the hall, cells, &c., and says, he finds the air sufficiently *pure*, &c. Here then was the offence which Dr. Woodward had committed. He had ventured to state what had been the consequences of Mr. H.'s philosophy upon the prisoners. He had made his entry relative to the frozen feet, &c., and hence Mr. Huntington determines to assail him in a report to the Legislature. So intent was he upon this, that he refused to strike out the clause, after Dr. Woodward had consented that his report should be destroyed. He went to the prison and examined the officers, and even the prisoners, to elicit testimony against Dr. Woodward, and says "that the officers were all of opinion that there could have been no suffering." If all the officers did, indeed say this, of which we cannot but entertain some doubt, they have some of them contradicted themselves, when under oath. Mr. Tuller, Mr. Colby, Mr. French, and others say, they think the men must have suffered from cold, particularly those who were in the cells during the day, when the windows were raised, in the coldest weather. That the windows were thus raised is proved by every witness who has testified on the subject, without exception. We know they must have been raised, to ventilate an apartment in which 170 men had passed the night, and from which the external air through the furnace had been cut off, and when the air, as all agree, was impure, offensive and occasioned sickness. It also appears that Mr. Colby saw ice in the Hall, that the wind blew in at the windows, in the coldest weather, and that Dr. Woodward found it too cold for him when examining the patients with his overcoat on. It further appears that the prisoners were thinly clad without any over garments, and that the blankets were thin and poor. Let any man read through all the testimony relating to the condition of the Hall during that winter, and then ask himself this question—whether in such a Hall as that, containing 199,000 cubic feet, with 59 windows, and one out side door—with the windows open to ventilate the room, and with only two Lehigh stoves to warm it, the convict confined in his cell with a thin Sattinett dress, without any over garment and in an incipient stage of disease, would not suffer in such a season as December 1831, the time mentioned by the witness.

If there was suffering, then from cold during that most severe and inclement season, when there were forty-five sick at once, with the Influenza, a part of whom were in the cells during the day, what shall we think of a Director, who, during such extreme weather, would caution the officers not to overheat the Hall and cells. What should be said of a director, who would do this because he saw from the preceding entry of Mr. Welles, that *he* thought the apartments too cold, or of him who would destroy the ventilation, by heated air and let in the cold air for the purpose of ventilating through the windows. But the Committee say *this was an error of judgment.* We think they characterize it too mildly. When we look through the testimony of Mr. H. and his entries on the Director's book, it would seem that his whole conduct had been marked by a spirit of opposition to Mr. Welles. Even his first entry of June 22, 1831, shews this. No matter what is proposed by Mr. W., for the comfort of the prisoners, the welfare of the Institution, or

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the execution of the laws. Mr. H., at his next visit to the prison is arrayed in opposition. Mr. W. expresses a hope that a particular by-law shall be more fully executed; Mr. H. says it is sufficiently executed already, and yet, when he is examined before the Committee, it turns out that there has been no execution of the law at all, and this he calls a *practical compliance*. Mr. W., proposes a change in the diet, to promote the health of the prisoners; Mr. H., in his entry of September 17, 1831, opposes the change, says the prisoners are healthy, and he sees no satisfactory reason for a change of diet, in whole or in part. Yet in 27 days from this time, on the 14th of October, we find that the directors on consultation with the Physician (Dr. Woodward,) *unanimously* decided to make a change." Mr. Welles in December 1831, thinks the prisoners suffer from *cold*. Mr. Huntington the next week with the thermometer at zero, thinks they suffer from heat. Mr. W. think the air offensive; Mr. H. thinks it sufficiently pure. Mr. W. prefers a ventilation by heated air through the ventilating furnace. Mr. H. prefers a ventilation by cold air through the windows and doors, in December and January; Mr. Huntington appears to have been influenced by this contentious spirit throughout, and who can "set down or sum up" the amount of suffering it has occasioned the unhappy convicts.

There are some of the different parts of Mr. Huntington's conduct, which, when contrasted, will almost excite a smile. In the hottest weather in Summer (July 12, 1830,) he is examining carefully into the condition of the blankets, and in the coldest weather his examinations are slight, and he cautions the officers against overheating the apartments. There is one entry of Mr. Welles under date of December 17, 1833 (page 20,) to which we wish to refer, for the purpose of showing the spirit which seemed to actuate him in the discharge of his duty as Director. With that entry Mr. Russ concurs, but the concurrence of Mr. Huntington as usual is wanting. The Director's book is, indeed, an unfortunate record for Mr. H., and while it fully establishes the fact that he was subject to great *error of judgment*, it discloses another infirmity not less unfortunate.

Extract.

"V. That the sick prisoners were treated with great cruelty.

"The facts in relation to this point as the Committee understand them to be proved are, that from the time the Prison went into operation in 1827 to the month of July 1829, such had been the almost unexampled healthfulness prevailing there, that the room originally intended for a Hospital, had never been prepared for that purpose. There was no Physician appointed as an officer of the Prison. The Warden sent for the attending Physician as he did for his private family. It rested with him to decide whether a convict was sufficiently indisposed to require the Physician's aid. Now it is evident without examining witnesses under oath, that habits of idleness and a desire to live without work, produce more convictions for crimes, than all other causes put together. It is to be expected therefore, that the tenants of a State Prison will avoid labor if they can. It is claimed as one of the discoveries of modern times, that such characters can in any way, be made to do work enough, to pay for the expense of keeping them. It was proved to the Committee, that of all the expedients resorted to by convicts, to indulge in their favorite habits, the complaint of indisposition is the most frequent—and hence officers whose duty it is, to reduce this modern discovery to practice, are apt to be skeptical when a convict complains of sickness.

"Under this state of things, the Directors in their Report of 1830, page 7, remark—

"'A severe and dangerous sickness prevailed during the months of August and September, which resulted fatally in four cases. The Directors during this sickness became satisfied, that the system of supporting and supplying the sick, was in many respects defective: an ordinance was therefore immediately passed, which has been transferred into the bye-laws, and will be found at section 6, by which this system was wholly changed.'

"'By this ordinance the Directors intended to secure to each sick prisoner an early, and prompt attention to his ease, believing it to be far better, that fifty who were not sick, should be reported, examined and dismissed, than that one should suffer for want of early medical advice. It may probably often happen that the officers of the institution are satisfied, that the alledged illnesss of the complaining prisoner is merely feigned to avoid labor; or as it is called 'playing the old soldier, and is deceiving them. But they may also in some instances, be themselves mistaken; and such mistake may be fatal to the unfortunate men in their custody. At all events it cannot be supposed, that they are as competent to decide this question, as an eminent medical practitioner. The whole subject therefore, has been referred to the decision of the Physician; and that all suspicion of inducement to order a prisoner to the Hospital improperly, may be removed, his compensation is not made to depend upon the number of sick convicts, or the visits which he may make. Our experience under this regulation has convinced us, that it was required as well from considerations of humanity, as of good economy. It is difficult to conceive of a condition more calamitous or forlorn, than that of one who is 'sick and in Prison'—deprived, as he must be, of the attentions and sympathies of those, who are bound to him by the ties of nature and affection: he has a right to ask, and to receive, of the public agents, all that relief, and comfort, and consolation which his situation may allow. It was in this spirit that we framed this regulation, and we trust that in this spirit it will be administered.'

"'We have adverted to this topic more fully than we should have done, had it not been the subject of some misapprehension in this vicinity."

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"It is to be remarked that Botsford, and Fagan, and Freeman, and Ferdinand, were the persons who are spoken of in the above extract as being the cases which terminated fatally.

"From all the testimony which the Committee heard on this point, and no part of the inquiry has been pursued with more eagerness, or remarked upon in argument with more touching eloquence, they find the facts to be as they are stated in the above extract from the Report of the Directors. The Committee do not find that there was any gross act of cruelty, wilfully and wantonly inflicted upon any sick prisoner. The Warden and Deputy Warden, and the Directors, being secure in the knowledge that the Prison had hitherto been almost entirely free from disease, it was not strange that, to use the language of Gov. Peters, who was then a Director, and who was examined by this Committee as a witness, 'that the epidemic seemed to have got in the advance of the Warden, Directors and Physician.'

"This Committee would not at any time pass lightly by, the sufferings of one 'sick and in Prison;' nor would they for a moment countenance the idea, that the ordinary offices of humanity, should not in all cases, be extended to the prisoner, whether convict or innocent. Nor would they allow that lapse of time should cover over or protect, any officer who would be guilty of cruelty or oppression in any shape. Yet this Committee feel that there is reason for the inquiry, why, after the error and remedy have been by the Directors reported to the General Assembly, it should be brought up again by one of those Directors, and the individual cases of decease and pain minutely set forth two years afterwards?

"The state of perfection to which Prison discipline had arrived in the State of Connecticut, is in the first instance, to be ascribed to individual exertion. The Committee may be pardoned for an act of justice which posterity will not fail to recognize, when they record among the most conspicious of those individuals, the names of John Russ, Martin Welles, and John S. Peters. And it is no small encomium upon these gentlemen, that they should have availed themselves of the intelligence and enlightened zeal of Captain Moses C. Pilsbury, for the improvement and perfection of such discipline.

"It is deeply to be regreted, that any subsequent misunderstanding should have impaired the future usefulness of the two first named gentlemen, or either of them, in carrying to a still higher state of perfection, the work which they so successfully commenced. This Committee would persuade themselves that the primary cause is to be found in the ambition to achieve so desirable an end, perhaps felt too ardently to be expressed with fitting moderation."

Remarks.

There is no part of this singular Report more exceptionable than the foregoing clause. Mr. Pilsbury's treatment of the sick was proved throughout with more clearness and distinctness, if possible, than any other charge. On this subject there is no contradictory testimony. The account of his conduct to the sick as detailed by Dr. Woodward, is of itself sufficient to place this matter at rest. The whole history of the Prison controversy is there given—the conduct of both the Messrs. Pilsburys—the efforts of Mr. Welles to have the sick attended to—the Hospital regulation, and the obstacles which were interposed to its execution. Wherever Dr. Woodward is known, his testimony will carry conviction to the mind, and during this investigation there has not been even an attempt made to disprove it in any particular except it be the feeble effort to show that Dr. W. did not, in his extensive practice, proclaim publicly what he had witnessed, and that he endeavored by an easy influence to procure a correction of the evils, and that he did not always speak the language of disapprobation. The testimony of Dr. Woodward is confirmed by every witness. Every officer of the Institution who was connected with it previous to 1830, and who has spoken of the treatment of the sick has testified in the most unqualified manner to the illtreatment of the sick by Amos Pilsbury in 1829. Is it not a little remarkable that among all the individuals who were at that time connected with the Prison, he has not been able to find one who can testify in his favor as to his treatment of Botsford, Fagan, Ferdinand, McCarty and Freeman. Mr. Bement, who certainly appears disposed to screen Mr. Pilsbury as far as he can, is silent upon this subject. The most that Mr. P. has been able to produce has been the declarations of occasional visitors that they never discovered any cruelty.

The Physicians not only testify to the harsh and morose demeanor toward the sick which would deter them from complaining, but to the positive abuse and neglect of them, and to instances where they were compelled to labor even to the close of life, and even charged to a contractor till within four days of their death; and such was the extremity to which they were reduced, that they begged in tears to see the Physician and were denied. Let us recite the names of the witnesses who have testified to these facts. They are Dr. Woodward, Dr. Salter, Dr. Belden and Dr. Talcott—Mr. Morrison, Mr. Colby, Mr. Stiles, Mr. Tuller and Mr. French, all of whom were perfectly familiar with the treatment which the sick received. Now, are the facts stated by these witnesses to be regarded or not? Let it be understood there is not an opposing witness. Purdy, Flowers and Burnet were not there. Dr. Peters and Mr. Russ were there occasionally, and would not, of course, see the brutal treatment, because it would not be practiced in their presence; and yet even they say in their Report of 1830, that the change produced

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by the Hospital regulation was required "by *considerations of humanity.*" We repeat: to all this testimony thus clear and overwhelming, Mr. Pilsbury has not opposed a syllable of testimony on his part, no, not even an apology for his conduct. The facts are proved beyond contradiction, and nothing has been offered to detract from their full weight.

The answer of the Committee to all this is, that "the error and the remedy have been by the Directors reported to the General Assembly;" and they even say "there is reason for inquiry, why it should be brought up again by one of the Directors, and the individual cases of disease and pain minutely set forth two years afterwards." Yet they say they would not allow lapse of time to cover or protect any officer who should be guilty of cruelty or oppression in any shape.

Could the author of this Report have been aware of the import of his language when he penned this clause, or the Committee when they adopted it. At one moment he would not allow lapse of time to cover or protect an officer and at the next reflects upon the Director who presents these cases of pain and disease *two years* after their occurrence. How are we to understand such a writer who cannot preserve his consistency from the commencement to the conclusion of a sentence. But we would ask again if the author could have read or understood the documents referred to the Committee. Messrs. Russ and Huntington choose to express the opinion in their Report that Mr. Pilsbury is a humane, and faithful man. Mr. Welles does not entertain this opinion and requests them to erase the expression as altogether unnecessary and gratuitous. They refuse to do this, and he is compelled to give his reasons why he cannot concur in the opinion expressed. Can any man say that those reasons are not sufficient if true, to demonstrate that Amos Pilsbury is not a man of humanity or fidelity? The truth of these reasons submitted by Mr. Welles, is the precise question submitted to the Committee, and yet on that point they are silent. Now is it important at what time Mr. Pilsbury was guilty of these outrages; if he was guilty at all, no matter when, he can have no claim to the character of a humane man. The acts detailed, indicate a cruel and unfeeling disposition, a heart untouched by the suffering of our fellow men and devoid of the common sympathies of our nature. The question is not *when* these cruelties were perpetrated nor whether they have been detected, reported, and redressed, but whether the man who has practiced them shall be commended as a humane man. This is the question in issue, and yet it does not seem even to have occurred to the writer of the Report, or his brethren of the Committee.

But it is said this conduct has once been reported upon by the Directors, the error and the remedy presented to the Legislature, and to prove this assertion a long extract is made from the Report of 1830, to which we refer. Now we deny the truth of this statement in the most emphatic language. We would not intimate that the writer was conscious of intentional misrepresentation, but we do say that the extract recited by the Committee does not even allude to the cruelties proved by these witnesses, and nothing is stated in it from which the Legislature could infer that they ever existed. In the next place all the Directors have stated that they were ignorant of their existence at the time the Report was drawn, and ignorant of their existence in October 1829, the time to which the extract refers. Again many of these instances of abuse and misconduct took place after the time referred to in the Report (October 1829,) such as the treatment of Ferdinand and McCarty—and many others were after the date of the Report itself, such as the treatment of Simons—the insulting message sent to the Physician who had ordered him proper food—the substitution of bread pills for a man ill with an affection of the heart—his hostility to the Hospital regulations, and the obstacles which he opposed to its execution, and his harsh and unfeeling treatment of the sick as testified to by four respectable Physicians who witnessed it. Now what could have been the purpose of the author of this Report in representing these abuses to have been reported to the Legislature in 1830—when they did not occur until after the Report was drawn, and were all in fact unknown to the Directors at that time?

But there are other difficulties which this clause has to encounter. The Committee were appointed to inquire into all the past transactions and errors of administration, and under this authority they commenced with the beginning and seemed to suppose that neither lapse of time or the reformation of an abuse was a bar to their inquiries. It is to be presumed that it was on this ground that the Committee extended their inquiries for

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three or four weeks, into the past treatment of the sick, although these abuses, the error and the remedy, had been, as they claim presented to the Legislature. There is some reason for inquiry, why this Committee should have spent weeks in examining into the treatment of the sick, when they at the same time declare that the errors in this treatment and the remedy having been reported to the Legislature, is a good reason why the subject should not be examined. If it was not a proper subject of examination, why did the Committee present it? If it was a legitimate subject of inquiry for the Committee it could not be less so for a Director, before he shall express a favorable opinion of the humanity of Mr. Pilsbury.

But it is said, "that the Committee do not find that there was any *gross* act of cruelty *wilfully* and *wantonly* inflicted upon any sick prisoner." The language here used is so indefinite, that it is difficult to ascertain what is the precise import of the above finding. Is it intended that the facts set forth in the Counter Report relating to the abusive and cruel treatment of the sick are not proved to the very letter. Do the Committee mean to be understood to say that the charge that Mr. Pilsbury has been harsh, morose, unfeeling, and brutal, is not proved?

It is impossible to say how cruel or abusive the act must be, or how intolerable the suffering under it, before it would come up to the ideas of this Committee, of a *gross act* of cruelty, wilfully and wantonly inflicted. Why did not the Committee simply state the conduct and practices of Mr. Pilsbury towards the sick and the dying, which they found to be proved, and leave the public to draw the inference, whether they were simple acts of cruelty, or gross acts, and whether they were wilfully and wantonly inflicted. We heard this testimony before the Committee, and we have now read it, and we doubt whether either member of the Committee will dare to say that the proof of the alledged acts was not entirely full and satisfactory. This clause concludes with an encomium bestowed upon Messrs. Russ, Welles and Peters, for their exertions in relation to the Prison. The writer, however, seems to solicit the pardon of the Legislature for bestowing this encomium upon these gentlemen, and for rendering them an act of justice which he says posterity will not fail to recognize. Even this modicum of praise has its offset of censure and injustice. It is accompanied by the assertion that there was some misunderstanding between Messrs. Russ and Welles, by means of which the usefulness of one or both is impaired. We are not aware of the evidence on which the writer has ventured this statement. The testimony shews that Messrs. Russ and Welles and Peters, acted together six years with entire harmony and cordiality, and although they differed on the appointment of Mr. Pilsbury, there does not seem to have been any unkind feeling among them. In proof of this we find Mr. Russ a few weeks after this appointment urging Mr. Welles to continue in office as a Director with him, after Mr. Welles had expressed his unwillingness to do so with such a man for Warden, and we find Mr. Welles yielding to his request. Again, in June 1831, after Mr. Welles had been attacked in the Times by Mr. Pilsbury assisted by Mr. Huntington, we find Mr. Russ in a note intended for publication contradicting the statements in the Times and declaring that harmony of feeling had always existed in the board,—(vid. page 73.)

We find them concurring in their entries upon the book, and we suspect the writer of the Report must have mistaken the name of the individual who had occasioned the misunderstanding. The entries upon the book would have fully justified the Committee, if they had attributed the misunderstanding to its real author, (Mr. Huntington) and the whole testimony would have sustained their position. When he entered the board all was harmony, and before he had been one year in the Direction it presented, [as was predicted] a scene of disorder and confusion.

Extract.

"VI. The sixth charge is, that the bye-laws were disregarded.

"On this point the Committee find the facts to be. that some of the bye-laws have not been carried into full effect. That cotton sheets have not been provided. The Directors who have been examined, concur in proving that this omission was in consequence of the understanding at the time the bye-law was passed, that the same should not be carried into effect until further orders. There were objections to cotto sheets, on the ground that they might absorb and retain the dampness from the walls of the cells.

"There was no evidence before the Committee, that any subsequent order had been made upon the Warden to provide the cotton sheets.

"It is also found by the Committee that the shop books have not been in every instance kept accordin to the bye-laws. Two of the Directors testified that there was a compliance for all practical purposes.-

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the Warden was able from the shop books as they were kept, to make the requisite entries in the books of the Prison.

"The employment of servants by the Warden from among the convicts, formed another specification under this charge.

"The Committee find that it was the practice both of the elder Mr. Pilsbury and of his son to employ one male convict as a servant about the offices, and in the private business of the Warden; and that one or more females were employed in the Warden's kitchen. This was done with the full knowledge, and under the constant inspection of the Directors.

"The Committee are of opinion that the true construction of the bye-law on this subject is, that no officer or person connected with the institution, shall be permitted to cause, or allow any convict to work for him, or his benefit, unless the same be done with the knowledge of the proper officer, so that the work can be properly charged on the books of the Prison. In the same section of the bye-law it is provided that no officer shall be allowed to take or receive either from the public property 'or in labor or services of the convicts, any perquisite whatever, *without the consent of the Directors in writing*.'

"The complaint on this specification is, that the consent was not in writing.

"It was proved before the Committee that the Warden on the 23d day of April 1831, made a return to the Directors in obedience to an order for that purpose, of all the work done during the then past year, for any of the officers of the Prison, in which this subject is fully detailed, and which the Committee herewith present, and to which they would refer.

Remarks.

By the statute, the Directors "may make and establish such Rules, Regulations and By Laws, from time to time as they may deem necessary for the government of said Prison, and the persons committed thereto, which shall be of force and shall be duly observed and executed." And "the Warden is to have the management subject to the rules, regulations and by-laws which may be made and established by the Directors," and shall "obey at all times the written orders of the Directors regarding said Prison. Under this statute, the Directors adopted a system of by-laws which were printed by the Legislature.

Now what was the conduct of Mr. Amos Pilsbury when these by-laws were made known to him? One witness says that "he ridiculed them in the presence of the other officers, laughed about them, said he should observe them as far as he saw fit and no farther, and that they were of no use." Another witness says that at another time he appeared to be much displeased with the Hospital regulations, and said he should comply with them *as far as he saw fit and no farther*.

Here then, was an open and notorious avowal of his purpose, and settled intention to disregard these regulations, adopted as they had been by the Board, who appointed him, and under whom he held office. With a Board of Directors who possessed the least self-respect, such an offence as this, ought when known, to have produced an immediate dismissal. Mr. Pilsbury not only refuses to obey them, but is found ridiculing them in presence of the other officers, who as well as himself were all sworn to execute them. Why did not the Committee notice this testimony?

It is admitted by the Committee that the by-law requiring sheets to be procured for the male convicts has not been executed, and that sheets have not been provided. Here there is a palpable breach of the rules. An apology, however, is made for Mr. Pilsbury, and it is said that the omission was in consequence of an understanding that the by-law should not be carried into immediate effect. There is one Director only (Mr. Russ,) who swears to this. Dr. Peters states nothing of the kind, and Mr. Welles always claimed it should be executed. It is certainly very singular that a rule should have been adopted and printed, which it was understood should not be executed; and here, let it be remarked, there is no pretence of any written dispensation. When Mr. Huntington came into office as Director, it seems he was satisfied with the explanation of Mr. Russ. Why then did not the Board of Directors repeal or suspend the by-law. It is said there were objections to the cotton sheets on the ground that they might contract moisture. This is not true; not a witness has stated such an objection or opinion. On the contrary, it appears that the females always had cotton sheets in their cells, and that there was no dampness although they were more exposed to be affected on account of their proximity to the steam cooking apparatus.

It is also found by the Committee that the shop books have not been kept according to the by-laws. Here too there is a breach. But the Committee seem to have been ignorant, that the statute law of the State has been also violated, which requires that each "Overseer should keep a distinct and correct account of the business and expenses of his department." The books which were exhibited, as well as the testimony of Mr. Huntington, show conclusively that there was an open violation, and that this *practical*

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compliance is a term which designates a total failure to comply with the requisitions of a law. The Committee say that two of the Directors, Messrs. Russ and Huntington, thought there was a compliance for practical purposes. Mr. Welles thought otherwise. Now what is the opinion of the Committee? They had the books before them and could judge for themselves whether a public law requiring each Overseer to keep a distinct and correct account of the business and expenses of his department was complied with, when it was admitted and appeared from the books, that no such account had been kept either by John Pilsbury or the Overseer of the chair shop. It was clearly not within the power of Messrs. Russ and Huntington to dispense with an act of the Legislature. Now, on this question the Committee are silent.

Again, the Committee find that Mr. Pilsbury employed one male convict as a servant about the offices, and in his private business, and one or more females in his kitchen. All the proof shows that neither farther or son ever employed any other domestic help in their families consisting of twenty persons, and that they have never allowed to the Institution a shilling for their services.

But it is said the Directors saw this. What if they did and were silent, it only proves that they were winking at a violation of the law. There is not the least evidence that any Director communicated his approbation to Mr. Pilsbury. It does appear that Mr. Welles always objected to it as illegal and improper, and the other Directors neither approved or disapproved. The Law is, that "no officer or person connected with the Institution shall cause or allow any convict to work for him or his benefit; and every officer offending herein shall be forthwith dismissed." No qualification, no exception, no condition—the penalty is an immediate dismissal. The Committee undertake to give a construction to this Law wholly at variance with its letter and spirit. The officers are Trustees for the public, and the Directors have acted on the sound principle that no Trustee shall be permitted to make a profit of the trust estate. It is the obvious purpose to remove any temptation to fraud. The very case under consideration shows the propriety of the rule. The Messrs. Pilsburys, from the first, have had all their kitchen labor performed by convicts, and have never paid a dollar for their services. How easy was the lapse from taking the labor of convicts to taking the public property. If it was right to take one, it was right to take the other. If it is right to take little, it is right to take much, and no man can set limits to the frauds if this by-law is repealed.

If a case arises when it shall be absolutely necessary that an officer should make use of the services of the convicts, or take any part of the public property, it can be done only by the consent of *the Directors in writing*. This then makes an end of any presumed assent of the Directors from the fact that they looked on and were silent. A *written* consent will alone justify such conduct; and it is not pretended that such written consent was ever given. If the Directors had shown as much vigor in executing as wisdom in enacting this salutary law, many abuses could never have existed. Why did the Committee conceal the fact that nothing had been paid for this labor, and that Mr. Welles had uniformly objected to these infractions of the law.

But there is another light in which the practice may be considered as still more glaring. We mean the promiscuous intermingling in the Warden's kitchen of these abandoned women with the male convicts. The bare statement of the fact is enough to raise the question, how any Committee sensible to the decencies and moralities of life could have given even its implied sanction to such a practice. And here, let it be remembered, that so carelessly were they kept, that one of these women, a convicted murderess, escaped to Hartford. Here, then, was an open and inexcusable breach of a by-law by which these men were saving to themselves not less than two hundred dollars per annum in addition to their salaries. Indeed it appears that the Pilsbury family have been in the receipt of about *three thousand dollars* per annum from this Prison.

Extract.

"VII. The seventh charge is that depredations were committed on the public property.

"The Committee find the first specification under this charge to be true, viz. that chips from the Coopers Shop, and the other Shops where wood work was performed, were used on the kitchen fire of the Warden, and the practice had been from the commencement of the Prison until the cooking for the sick, and washing were removed to the female department.

"It was claimed on the part of the Warden that so long as the work for the convicts or any part of them was done in his kitchen, he was justifiable in permitting the fuel to be used there, as the same is charged upon him.

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"There is no evidence in the recollection of the Committee that the practice was continued after the female department went into operation.

"The Committee find that at sundry times the servant of the Warden obtained from the public stores, Beans, Peas and Indian Meal. It was claimed on the part of the Warden that these articles were required for the convicts who were supplied from his kitchen. It was not proved that any of these articles were actually used for the benefit of the Warden or his family, other than that a short time, (a day or more) after any of these articles were so taken, the officers who boarded with the Warden, were supplied with the like articles. It was proved that the Warden purchased all these articles for his own family use. In one or two instances such articles were borrowed and returned. It was also proved that potatoes were taken from the State's stores, but it was not proved that it was done with the Warden's knowledge. It was also proved that the State and the Warden had each a like number of hogs, kept in the same stye. They were fed through the summer from the wash of the Warden's kitchen, and of the Prison cook room, and they were fattened with meal from the public store.

"That the Committee have no means of knowing which had the advantage in this proceeding. They have no doubt but it was an error in the administration of the affairs of the Connecticut Prison.

"The Committee are of opinion from the facts above detailed that they furnish no evidence, that the Warden has been guilty of any depredations upon the public property.

Remarks.

The Committee find several specifications under this charge to be true—viz: that the Warden had taken fuel from the shops for his own use; that the servants of the Warden had taken from the public stores, beans, peas, meal and potatoes for the use of his family; and that two hogs belonging to the Warden were fattened upon the States' meal.

Now for the *apologies*. As to the fuel, the Committee say that it was used on the Warden's kitchen fire, until the cooking and washing for the sick was removed into the female department. But there are several difficulties in the way of this apology. In the first place two witnesses testify, (and they are contradicted by none,) that this fuel was used up stairs in the sitting and lodging rooms of the family, as well as in the kitchen.—In the next place it appears, that Mr. Pilsbury continued to use it for at least *eight months after* the cooking and washing was all removed to the female department, and that the fuel which he thus took was equal to the support of a fire throughout the year. In the last place, there never was a time when Mr. P. had any right to take the fuel at all, as stated by the Committee. Up to the adoption of the Hospital Regulation, Mr. P. *boarded the sick at a dollar a week each*; and of course was to supply all necessary articles for the purpose at his own expense. Afterwards the sick were supplied from the Hospital Stores, and the cooking was done in the *Prison Kitchen*. The same remark will apply to the beans, peas and meal, taken from the public stores. There were no convicts to be supplied from his kitchen, but the cooking for all the convicts was done in the Prison kitchen. It was indeed pretended that they might have been taken for sick females. Rare provisions, truly, are peas and beans for sick females!! But does not all the proof establish the fact, that these articles were taken for family consumption, and in quantities suitable for such a purpose without weight or measure? Why has this Committee undertaken to conceal these depredations? But we will not spend time upon these hollow excuses, so gravely reported to the Legislature.

As to fattening the hogs upon the meal of the State, we shall not notice the sneering remark, "that the Committee have no means of knowing who had the advantage in the proceeding, and that it was undoubtedly an error in *the administration of the affairs of the Conn. State Prison.*" If the writer of the Report deems the remark worthy of himself, few will dispute the correctness of his decision. But the Committee say that the facts above detailed, furnish no evidence that the Warden has been guilty of any depredations upon the public property, and yet every fact stated by them shews that he *had taken* the property, and in such quantities that there could have been no accounting. The *excuses* which the Committee offer, rest *upon nothing* but the claim of the Warden that it was used for the sick. This claim was *not proved*, but was contradicted by the witnesses. But we will not dilate upon this point, and only recommend the perusal of the testimony of Messrs. Tuller, Colby, Stevens, French, Buck, Bement and Morrison, in relation to the taking of the fuel and provisions by Mr. P. for the use of his family, and a comparison of it with this part of the Report.

Let it be remembered, also, that these provisions for the use of the family were taken from the stock provided for the prisoners, which, even if they had received the whole of it, *was not enough by one third*, to equal the regular rations. Every pound or bushel taken from these stores for any object, was a diminution of the prisoner's supply, (scanty enough it would seem,) and an addition to the extremity of his sufferings.

There are many most singular features in the testimony relating to this part of the case.

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And first, the evidence is very slight that Mr. P. ever purchased many of the articles which were consumed in his family, until after the cooking was removed into the female department, and placed in the charge of the matron. After that time there is evidence enough that provisions were left in his apartments, but the proof is still not very clear who paid for them. In the next place, Mr. P. was very unwilling to have the matron take charge of the cooking, although it formed a part of the plan of the Directors that the cooking should be done by the females, and buildings had been erected, and a matron hired with express reference to this arrangement. We find both Mr. A. Pilsbury and his father, (who was then disconnected with the prison,) attempting secretly to thwart the views of the Directors, by counselling the matron "not to undertake it; there was danger in it; very hard; very laborious; (page 45.) To the reader of the testimony, the motives for such extreme interest in the welfare of the matron are quite manifest. Again, *before* the matron took charge, there was, *according to Mr. P.'s own books*, a deficiency in almost every article of provision, equal in some years to one third. *After* she took charge, and during the year of which we have returns from the ration book, it appears that after delivering out to the prisoners a full supply of every article required in the by-laws, there is a large surplus in the Warden's hands *unaccounted for*. In the article of meal alone, it appears that he has charged the Institution as consumed, with 18,805 lbs. more than he delivered to the matron. (page 41.) *Where is this?* His books do not tell us; nor has he *attempted* to explain the fact himself. Little shrewdness is necessary to conjecture the place of its deposite.

Extract.

"VIII. The eighth charge is that the prisoners were illegally punished for breaches of the Prison discipline.

"The Committee find that in several instances the inferior officers have laid hands upon the convicts, but they did it to enforce instant obedience when they were threatened with bodily harm. The Committee are not aware of more than two instances, and one as early as the year 1828, when one witness testified that a person by the name of Nivers, was shaken and pushed down by Amos Pilsbury, because he did not work fast enough, at laying a brick floor. The Committee do not hesitate to pronounce this a clear breach of the bye-law which provides that 'no officer except the Warden shall strike, beat or punish corporeally, any prisoner, except in self-defence.

"'One specification under this charge is, that the beds and bedding of prisoners have been taken from them, in order to enforce obedience to the rules of the Prison.

"This is claimed to be contrary to law, and much more reprehensible than stripes.

"By the statute law, the Warden may confine the convicts at labor, or punish them, by putting fetters or shackles on them, and by moderate whipping, not exceeding ten stripes for any one offence or by confinement in dark and solitary cells. The bye-laws provide that each prisoner is to take the utmost care, that his cell be kept neat, and that his furniture be not injured: and in default of observing this rule, his bed, bedding, and bedstead be taken from him until he will conform.

"The infliction of this privation was found to be effectual. It was applied to other offences, and in a great measure superceded the punishment by whipping which has very seldom been resorted to in this prison; the stoppage of rations has never been practiced there.

"To the charge that it is illegal, it is answerd that if it was lawful for one purpose, it was for another.

"And as to the inhumanity, it was strongly urged that the fact was quite the other way.

"If a prisoner is punished for any offence by whipping, it immediately tends to confirm his will to rouse his resentment, and to place him as far as possible beyond the reach of that softened feeling, which must always precede, even the promise of reformation. The marks upon his lacerated body will remain an indelible record of his disgrace, (for even a convict can feel himself disgraced,) which no penitence, however humble and sincere, can obliterate,

In taking the bed of a prisoner, he is left to his choice, the moment he submits, a rap on his cell door, (which can be heard in every part of the Hall) will bring a watchman to the spot, he can have his bed again, lay himself down upon it, and go to sleep.

"Without entering farther into the argument on either side, the Committee would close this part of the case, by reporting that this substitute for stripes is not, in their opinion, a practical error in the administration of the affairs of the institution."

Remarks.

The Committee find this charge to be proved.; they state the case of Nivers, and apologise as usual. The only witness to this point is Henry Havens. He states, (at page 86) "that Amos Pilsbury took hold of him; shook him; threw him down; pitched him forward head first upon the brick floor which he was laying; kicked at him, and he supposed kicked him; appeared to be in a passion. The prisoner said nothing, made no resistance in any way or manner, appeared like a person sick a long time; was pale, emaciated and feeble; appeared like a man in a consumption; did not perform much work, but did not appear to be able to work." Here then is the whole history of this case, in the language of the only witness who has professed to speak of it. Let this be compar-

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ed with the tame and inadequate description given by the author; *that the prisoner was shaken and pushed down by Amos Pilsbury, because he did not work fast enough.* If this transaction is to be noticed at all, why is it divested of all its savage and barbarous features? Why does the writer suppress the fact that this was *a sick and feeble prisoner*, struck down head first upon the brick pavement, and kicked by this passionate and excited man? Let his conduct as stated by this witness, be noted in connection with his treatment of the deceased *Ferdinand, threatening him with punishment*, when he besought in tears to see the Physician; also with his treatment of *Botsford*, compelling him to labor almost to the last hour of life, and dragging him around the shop by the hair a few days before his death; with his treatment of *McCarty*, taunting and insulting him with feigning disease, when he could not raise himself in his bed, and withholding from him necessary supplies, when his forlorn and helpless condition was exciting sympathy in every other bosom. What inferences must be drawn from this array of inhuman acts, which glare upon the reader in the testimony of every witness that had *opportunity for observation?* Will they not be such as were in fact drawn by Drs. Woodward, Salter, Belden and others, that he is passionate, morose, unkind and cruel in his demeanor and conduct, We know the instances which have been proved are not very numerous, but is it because the outrages have not been perpetrated, or *because no person has been present to witness them* except those dependent upon his will for their situation. It was an accident that Mr. Havens witnessed the treatment of Niver; Mr. Pilsbury was not aware of his presence.

As to *taking away the bedding and beds* of the prisoners, the Committee go into a train of reasoning to shew that it is not a practical error. The *charge is* that *illegal* punishments were inflicted. The *Law* requires that every prisoner shall have certain articles of bedding *which shall not* be taken from him, except *he injures the furniture of his cell.* The *Legislature* have thus pointed out what kind of punishment may be inflicted. But it appears from evidence, which is not even contradicted, that the men have been left to sleep on the stone floor of their cell for a week together, without bed or bedding, in the coldest weather, for faults *other than that of injuring the furniture of their cells.* It is too apparent to be reasoned about that here is a plain violation of law, and the reasoning of this Committee seems adapted to show *what the law ought to be* rather than *what it is.* We shall not take the trouble to decide whether or not the Legislature and Directors have been in fault in passing these laws. They have passed them. The question is, *have they been violated?* They have. But the Committee ask *if it is lawful for one purpose, to take away the bed and bedding, why not for another.* We answer. For the same reason that hanging is *lawful* for *murder*, but is unlawful for *theft.* The law *authorizes* the bed and bedding to be taken away *for one purpose* but *prohibits* it *in all others*, and until this law *is repealed*, this mode of punishment will continue to be illegal. With the abstract reasoning of this Committee upon the nature or effect of punishment, we have no concern, but must be allowed to protest against their conclusion, that *it is not a practical error to violate the law.*

Were we to speculate on this subject, we should think the provisions of the Law were proper and that the modes of punishment pointed out by the *Statute*, were preferable to those selected by Mr. Pilsbury. We cannot think it just or proper to give to any man, but above all to one of Mr. P. disposition, the right to take from a feeble and emaciated prisoner, his bed and bedding in the extremity of winter. To us it seems barbarous to confine a man in his cell and leave him for a week, to repose upon the bare stone floor, at a time when the guard could not keep warm in the same apartment, even with extra garments and exercise. We have no faith in allowing such a man as Mr. P. to invent his punishments and yet he has as much law for hanging or maiming his prisoners as for freezing them.

But it is said that "the moment the prisoner submits, and raps upon his cell, he may have his bed again, lay himself down upon it and go to sleep." It is rather difficult to suppose that the writer of this statement believed in its truth. In a few sentences above he states that this was practised as a *punishment*, and had nearly "superceded" all others, for prison offences. And does he *now* mean to state that a prisoner guilty of an offence for which he is about to be *punished*, can escape by simply rapping upon his cell door and submitting? It must follow as a matter of course, from such an *ingenious device*, that a prisoner may infringe any rule or disobey any order, and *escape* punishment,

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unless indeed *it is his pleasure to suffer.* But what do this Committee mean by *submission?* Let the cases be examined, which appear on page 84, as taken from the Prison books. What *submission* would have obtained the beds for these prisoners? *Wheeler* was put in his cell for not doing his task; he claimed that he had done all he was able to do; was sick and could do no more, punish him as they would. He was kept in his cell without bed or bedding from the 23d January to the 27th, (1832) when he came under the care of the Physician, and is prescribed for as a sick man, (page 87.) *Whitman* was put into his cell for not doing his task, and kept there about a week in the severest weather, without bed or bedding. "He complained," says Mr. Colby the witness, "of great suffering, particularly of his feet from cold;" the weather was very severe, when he was in his cell without his bed; *very severe.*" Where is he next? In the Hospital with frozen feet, and in 36 hours one of his feet is gangrenous. Here he was confined 10 days. Niver also, for the same offence, (not doing his task,) was locked in his cell without bed or bedding, night and day, from the 16th December up to the 27th, (1831,) when we find him in the care of the Physician, taking medicine, but still in his cell without his bed. The disgraceful fact also, appears on Record, that the Physician was obliged to make *two distinct entries* upon his book, "*give Niver his bed*" before this sick man was relieved from sleeping on the stone floor of his cell in the coldest winter of our climate. Are we in a Christian community where humanity prevails and where punishments are inflicted and regulated *by* LAW; or has man lost all feeling for his fellow man, that such wanton cruelties, are to be regarded as not even *practical errors?* This is no sickly sympathy for men suffering the penalties of *the Law*, but it is the indignant expression of common humanity against the *disregard of all Law*, and the subjection of the comfort, the health, not to say the *lives* of these unfortunate men, to the *uncontrolled will* of one who according to his own declarations is determined to obey the Law only when convenient. Let it also be distinctly remembered that in these three cases of exposure and confinement, (these are the only cases which are specified with any minuteness,) sickness and confinement in the Hospital was the *uniform result.* The pretence that *submission* would have relieved these prisoners is a mockery. They were confined for not doing their task which they claimed they were unable to do, and in consequence of this inability, they were made to undergo this *inhuman* as well as *illegal punishment.*

Extract.

"IX. The last charge is that the prisoners were permitted to leave the Prison.

"The Committee find that in the time of the elder Mr, Pilsbury and his son as Wardens, the male convicts, who were in their particular employ, were permitted to go out of the Prison and about the town of Wethersfield. In one or more instances the convicts to the number of three or four, at a time, were sent with a guard to Hartford in a boat. The Committee have no means of knowing the motive for such indulgences, it might be to show the extent of moral restraint, which these Wardens had the tact to impose upon their prisoners. Let the cause be what it might, this Committee report it as an errror which has not often and probably will never again be repeated."

Remarks.

This charge of permitting prisoners to leave the Prison is found to be fully proved, and that both of the Messrs. Pilsburys were in a habit of allowing the prisoners who were in their particular employ, to go out of the Prison and about the town of Wethersfield, and that once or twice they went to Hartford with a guard. They say that the practice has not been often repeated and yet the testimony shews that the prisoners were suffered to go about the streets alone and unattended and that this was of daily occurrence that they were at the Post Office daily—taking the children of the Warden to school—that they were seen at Mill, a distance of two and a half miles, and were even found amusing themselves at a general training.

The Committee say frankly, that they have no means of knowing the motive for such *indulgencies.* For ourselves we should think the motive was quite apparent and if we mistake not the indulgence is occasioned by a desire, on the part of Mr. P., to avail himself of the services of these convicts in his own business without compensation. Mr. Pilsbury and his counsel, are in the same predicament with the Committee, not that they "have no means of knowing" the motive, but that they are unwilling to disclose it. The Committee, however, in the absence of any valid reason for this practice have invented one, which although it is somewhat ludicrous, is quite in keeping with other parts of the Report. It is no less than this "that it might be to shew the extent of *moral restraint* which these Wardens had the tact to impose upon their prisoners."

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Here is a public Institution to which convicts are sent to be confined at hard labor, and the law neither makes or allows any distinction in the treatment they are to receive—it further provides "that every person who shall effect the escape of any person legally confined in the Connecticut State Prison, or attempt the same, or shall give any help, or assistance therein, shall suffer imprisonment in said Prison for a term not exceeding six years." So at Common Law an escape voluntarily permitted in a criminal case by a keeper of a Prison is felony. Now what is a voluntary escape. It is the permitting, or allowing a prisoner to go out of or beyond the limits of the Prison—a departure therefrom with the consent of the keeper.

Here then is the Warden of this Prison in the practice of taking to his own use the labor of a number of prisoners contrary to law and the continued objection of one of the Directors. He keeps these convicts male and female together in his kitchen, without any other restraint than such as is imposed upon all domestic help. From this kitchen one of the females, a woman convicted for the murder of her husband whose punishment had been commuted to imprisonment for life leaves the Warden's house and escapes and is retaken in Hartford as we have had occasion to remark before. The male convicts are sent on his ordinary private business around the town of Wethersfield at a distance of two or three miles, and even to Hartford. Is not this a notorious breach of the laws of the state. Every convict who leaves that Prison, is guilty of an escape, whether he returns or not, and yet we find the Warden not only suffering or permitting them to leave the Prison, but even ordering and commanding them to do so. By some it might be contended, (we will not say with what reason,) that this course of conduct would expose the keeper to indictment and imprisonment, and yet we are to be amused with the idea that it is practiced merely to show the extent of "moral restraint which these Wardens have the tact to impose on their prisoners."

From what source the Committee derived the assurance that this error would not be repeated, we are not informed. Is it to be understood that these gentlemen so far demeaned themselves as to receive from Mr. P. privately such an assurance as this? If so, it should be stated that Mr. Pilsbury was not Warden during the period that this inquiry was before the Committtee. Or have they "in holding the even hand" of which they speak undertaken not only to apologize for all his past misconduct, but even to promise for the future.

Extract.

"In the course of this investigation, it was claimed on the part of the Agent and Attorney for the State, that certain prisoners be examined as witnesses.

"Without entering into the argument which your Committee heard, as to the competency of such prisoners as had not been convicted of a crime which is contrary to honesty and humanity and which shows corruption of heart; and without wishing to be understood as intimating any legal opinion on the subject, the Committee refused to hear the testimony of any prisoner on the grounds,

"I. That they were not sitting as a judicial tribunal, but in the character of a body appointed by the Legislature, to inform them on a state of facts, upon which they can hereafter legislate. These facts are to be ascertained from a source which shall be entirely free from suspicion.

II. Sound policy is entirely against it.—1st, the feelings of the prisoner are of necessity against the officers, and no competent man would for a moment hold an office in a Prison where he would be liable to be *sworn down* by an exasperated convict.—2d, it will be known among the prisoners that such examinations *may* be had, and that will lead to acts of insubordination.

III. There is no necessity for such examination; all the officers and Directors are to be examined. The Prison is open to visitors who pay for the privilege, and have every facility to make discoveries.

IV. It was not claimed that any testimony could be obtained to substantiate any other charges than those above noticed. The effect would be that the testimony sought for, would merely fortify that which had already been given, or which was within the power of the parties to produce.

Remarks.

As to the reasons given by the Committee for not hearing the testimony of such of the prisoners as were witnesses in a Court of law, they seem to be little else than a transcript of the argument of Mr. P's. Counsel at page 46. Those arguments are so fully met and refuted by the Counsel for the State, that nothing can be added. The position that there is a large class who are competent witnesses is too clear to every lawyer to admit of question. There is no writer on the subject of evidence who does not fully sustain the doctrine advanced by the Counsel for the State.

It will undoubtedly excite some surprise that this Committee should have felt justified in disregarding the rules of evidence upon the pretext that they were to inform the Legislature of a state of facts upon which they can hereafter legislate, and that these must be

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ascertained from a source which shall be entirely free from suspicion. Rules of evidence are founded in common sense and are adopted for the discovery of truth by testimony.—The mind will of course be governed by these rules, whether in Court or out of it, because they have their foundation in the nature of things. It is not easy to decide what testimony is entirely free from suspicion, but the common sense of mankind would seem to require that the testimony of interested witnesses—of men charged with an offence and of accomplices and accessories is to be received with hesitation and many grains of allowance. It is upon this kind of testimony, that the Committee seem principally to have relied. The suggestion that the Directors and visitors might be examined assumes the position that abuses could not be practiced except in their presence and that they have sufficient facilities for making discoveries, whereas the whole testimony shews that they could know nothing which the Warden chose to conceal. It is said, if the prisoners know such examination may be had, it will lead to acts of insubordination. How easy the reply, that if the Warden knows that such examination may not be had it will lead to acts of oppression. The Committee were appointed to inquire and yet closed the door to inquiry to a great extent.

Extract.

"The Committee would wish to be understood as embracing in the above charges and their finding upon each charge, all the specifications, or instances of misconduct, applicable thereto. They are not aware that any material fact has been omitted, which would in the least vary their statement.—The Committee found it necessary to hear all the testimony which had any relation to the administration of the affairs of this Prison, in order that no party should hereafter complain that he was not fully heard. This Committee did refuse to hear testimony which was merely personal. Without trespassing longer upon the patience of the General Assembly, the Committee would close this Report by observing, that after a review of all the testimony which has been produced in this investigation; and particularly that of Governor Peters, the Hon. John Russ, and S. H. Huntington, Esquire, former Directors of this Prison, this Committee are entirely unanimous in this, as in every other part of their Report, that the several Reports which have been laid before the General Assembly, by the Directors of the Connecticut State Prison, or a majority of them from its commencement—contain a true statement of its affairs and the management thereof."

"All which is respectfully submited."

"JOHN Q. WILSON,
"JOSEPH EATON,
"MORRIS WOODRUFF, } *Committee.*"

Remarks.

The Committee conclude with the general finding, that the several Reports which have been laid before the General Assembly, by the Directors, or a majority of them, from the commencement of the Institution, contain a true statement of its affairs, and the management thereof.

Now there was nothing before the Committee, which impeached the correctness of the Reports previous to 1832. In the Report of 1832, Mr. Welles, as has been remarked, fully concurred; except in the two clauses referred to by him, one reflecting upon Dr. Woodward, and the other commending Mr. Pilsbury. In these he refuses to join, and assigns his reasons in his Counter Report. Every assertion in that Report has been proved, by such evidence as could not fail to be conclusive in a court of justice; and the Committee have found almost the whole of them to be true, and have offered apologies. The remarks of the Committee can of course be understood to apply only to the parts of the Report in controversy, viz. these two clauses. One of these clauses contains the mere expression of an opinion favorable to Mr. Pilsbury, unaccompanied with a *single* statement; and the other clause which the Committee say contains a true statement, is contradicted by the finding of the Committee themselves, under the 4th charge. In other words, the Committee have expressly found certain facts to be proved, which are wholly inconsistent with this general finding in the concluding paragraph. Let any person write out the facts found by the Committee, relative to the frozen feet and suffering from cold, and compare them with the language of the Directors in this clause, which the Committee also say "contains a true statement," and forbear a smile if he can.

We have now gone through with the separate paragraphs of this most extraordinary document, probably the most extraordinary which ever made its appearance in the annals of Prisons. We think no honest and intelligent man, can read it without being struck with the singularly reprehensible spirit in which it is written. Its contradictions, and inconsistencies with itself—the mis-statement or suppression of evidence, and the unwarranted conclusions drawn from its own premises.

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When we look at the various decisions in rejecting or admitting testimony, it would seem that there was no principle upon which they acted, but that they were moved by the wildest caprice. What was the distinction upon which they admitted the wife of one Warden, and rejected the wife of another, neither of them officers. What was the principle upon which they rejected the testimony of Messrs. Roger Huntington, and Charles P. Huntington, both proving that all the facts stated in the counter Report had been sworn to before a Committee of the Legislature, and were uncontradicted; thus furnishing conclusive evidence, that Mr. Welles had the strongest reason for withholding his signature from the Report. What was the principle upon which the testimony of Messrs. Conner, Bartlett, Currier, and others, was rejected? It related to the character of Amos Pilsbury in New Hampshire, and shews quite conclusively, as we think, that he was a most improper and unfit man for Warden of any Prison; and that he had been guilty of conduct which ought deeply to affect his character.

Mr. Welles did not vote for Mr. Pilsbury as Warden, and he offers to shew the reasons why he did not. These reasons he says are founded upon his misconduct; but the Committee refuse to hear them, and yet these gentlemen have thought proper to comment with severity upon the fact, that Mr. Welles did not vote for Amos Pilsbury, and upon the disunion which was occasioned, and they have reported it as an error!

Had not Mr. Welles the same right to vote for Mr. Dennison, that other Directors had to vote for Mr. Pilsbury?

Had not the services of Mr. Welles about that Prison, and his perfect familiarity with all its concerns, and with the character of Amos Pilsbury, been such as to justify him in claiming an equality at least, with the other Directors? He was out voted, and submitted; he signed the commission of Mr. Pilsbury, and then signified his unwillingness to remain longer in the Direction. He was urged by Mr. Russ to continue in office with him, and yielded to his request, and immediately proceeded in the discharge of his duties; and such was his treatment of Amos Pilsbury, that he declared Mr. Welles had treated him as kindly as a father. But what was the treatment which Mr. Welles was experiencing from Mr. Pilsbury? Let the testimony answer. Was not the character of Mr. Dennison such as to justify Mr. Welles in preferring him? Let the excellencies for which he was distinguished, the purity, mildness, integrity, and intelligence, which marked his life, be compared with the character of Amos Pilsbury, as developed in the testimony. We must excuse ourselves from applying even appropriate epithets to the character of the last named gentleman. The testimony speaks a language upon that subject, which will be heard and fully appreciated; and by that testimony it will appear, that the preference of Mr. Welles was fully warranted.

The Committee seemed to have no reluctance to ascertain, from Mr. Pilsbury's witnesses, what were Mr. Welles's motives in voting against him; but when Mr. Welles offered to shew the true reasons which operated upon him, and influenced his preference, the evidence is rejected. And why rejected?

Have the people of Connecticut no interest in knowing the character of the Warden of that Prison? Is it nothing to them that the Directors have selected as its keeper a man who was dismissed from the Prison in his own state, for such conduct as is detailed in the depositions of Messrs. Conner, Currier, and Bartlett, (vid. page 51—2.) Is a man who is guilty of such conduct as is therein stated, a proper man to be brought into Connecticut, as a Warden?—Is that Director who has been most intimate with the concerns of the Institution to be censured because he prefers an honest and enlightened citizen of our own State, to an individual with such a reputation from New Hampshire.

Again, why did not this Committee give a fair and impartial account of this whole controversy as it appears in the testimony. Why did they not shew the proofs of misconduct, which Mr. Welles had before him—his efforts to have an investigation by the Directors—their refusal to act and the necessity he was under of submitting the evidence to the Legislature, even if his information was incorrect. Why did they not find the fact (which all the testimony proves,) that strong probable cause existed why he should not sign the Report and thus place this whole subject in a fair and impartial light before the world. But on all these subjects they are silent.

Another objection is that they have not even noticed the documents specially referred to them, nor enquired into the facts set forth in them. They have stated what *was not* proved, but have left us for the most part in ignorance as to what *was* proved.

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They were appointed to report the facts, and they have given us their opinions and speculations which in most instances are at variance with the facts. They have found six of the nine charges *to be proved* and three not proved, and yet their remarks under these charges shew that sufficient proof was before them. They say "they are not aware that any material fact has been omitted which would in the least degree vary their statements."—This is remarkable when we find that they have not reported a single fact in relation to the suffering for want of food and deficiency of rations—nor a fact in relation to the treatment of the sick; the two great and prominent subjects of inquiry.—Now with due respect we believe, if they had honestly and fairly stated the facts connected with the treatment of the sick by Amos Pilsbury, and the sufferings of the Prisoners from hunger, the statements would have been *materially varied.*

We do not perceive, that the Committee have alluded to the treatment of the matron and her daughter—by which their situations were rendered unpleasant, not to say intolerable, and which has driven that most excellent woman from the situation; or to the insulting message sent to Dr. Woodward, when he ordered proper supplies for a dying man. We see no allusion to the base and dishonorable proposition of Moses C. Pilsbury to Dr. Woodward, in 1829, to join him in deceiving the public by the representation that there had been no man in the Hospital, when there was in fact no Hospital, a suggestion which was spurned as it deserved to be. We see no reference to the further efforts at deception, by putting the best blankets and the most food in the lower cells, (the only ones seen by the visitors,) or furnishing sheets to the convict who occupied the *first cell*, which was most seen.—Neither do we find any notice of the selling of extra food to the prisoners, or of the testimony which makes it probable, that at least *one officer*, was concerned with a convict waiter in selling these extra provisions to the hungry and starving prisoners for money.—There is no mention either made of the fact that the property of the prisoners was taken and used by the officers, without their consent, and even carried off from the Prison, or of the further fact that only two meals were given to the prisoners on Sunday in direct violation of the Law.

We might proceed with this list of omitted facts, but the reader who will examine the evidence will find them at every page. We cannot, however, forbear to ask why the Committee have passed over the very censurable conduct of Mr. Huntington in endeavoring to conceal from Mr. Welles the knowledge of Mr. Pilsbury's misconduct and his unworthy and unfounded attack upon the Physician, into which he endeavored to draw Mr. Welles, and which has been as we have shewn the occasion of this controversy.—All the testimony shews that this attack was wholly unwarranted and wanton in the extreme.—We do not allude to the fact that it was also Mr. Huntington who, while a Co-director with Mr. Welles, was found in the act of shewing the libellous letter of Moses C. Pilsbury to the editors and proprietors of at least two papers, in one of which it was inserted.

We shall take the liberty of making a few remarks in this place, relative to certain individuals who appear conspicuously in the testimony. What are we to think of the renewed attack made upon Mr. Welles, before the Committee, by Mr. Pilsbury. Although the Committee refused, as they say, to hear testimony which was merely personal, we are unable to see any other motives than personal ones, which should have induced them to hear much of the testimony, introduced by Mr. Pilsbury. It is indeed difficult to perceive what relation a principal part of the testimony of Charles Clapp, 2d. Daniel S. Purdy, William M. Thorp, or Lewis Gaylord Clark, had to the subject of inquiry before the Committee. The object seemed to be, to shew that Mr. Welles had an unfavorable opinion of Mr. Pilsbury, and had expressed it. Suppose all this to be true, what then? Was it a fit subject for the hearing of this Committee? What have they to do with the opinions or expressions of Mr. Welles? It is evident that in their own opinion, the subject was not before them, for after having heard a large number of witnesses on this point, they have not even alluded to it in their Report. If it was proper to inquire into the subject, it was particularly proper that the Committee should report upon it, unless indeed it was suffered, for the purpose of affording to Mr. Pilsbury and counsel, a topic of calumny and abuse. We forbear to comment upon the testimony of such witnesses as Clapp, Purdy, Thorp, or Lewis Gaylord Clark. It is obvious that the Committee have disregarded it, and in this we think they have done right.

But what are we to think of the man who will bring forward such witnesses as Purdy,

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contradicted as he is by the records of the Prison and by himself, and who was compelled to confess that he had taken the property of a prisoner, and had violated the bye-law, or the still more miserable Clapp, who is contradicted by nine witnesses in almost every sentence he uttered, and who, if he is to be believed for a moment, or has the capacity to utter truth, had (to use his own language,) "his mouth sealed" by Amos Pilsbury.—Whether according to his own account of the matter, this witness was bribed to falsehood, the reader will judge. What inducements were laid before Thorp and Clark, or whether any, we have no means of ascertaining, for their depositions although they had been taken more than two months, seem to have been withheld almost to the last day the Committee heard evidence. Whether they were thus kept back, from the fear that they would be taken over, or from any other cause, every man will form his own opinion.

The attempt to impeach the character of Mr. Stiles, is worthy of remark, as at least a useless effort, for every fact sworn to by him, is confirmed and established by the testimony of a great number of witnesses. Mr. Stiles was an officer of the prison, selected by Mr. Pilsbury, and by him placed in a most responsible situation. If a Warden may be permitted to fill the offices with his own relatives, or with men whose characters he can impeach, and the prisoners are not witnesses, where is the check upon him? It is the establishment of a despotism of the most intolerable kind, and one whose cruelties and iniquities can never be reached. Instead of surrounding the Warden with checks or restraints as the law intended, he is invested with the power of a tyrant, which he may use until human nature can endure no longer, and resistance is preferable to submission. It is apparent from the testimony, that cruelties have been, and may be practiced by Mr. Pilsbury, without the knowledge of the Directors, and it is equally clear, that from the misconstruction of some of the laws, and the total disregard of others, all check upon the misapplication of the public property is removed.

We cannot but be struck with the contrast which is presented in the conduct of some of the Directors. To them is assigned an important public duty, and they were placed about the Institution, not as idle spectators, whose duty it should be to present to the Legislature, an annual eulogium upon Amos Pilsbury. They are the protectors of the prisoners against the abuses of the officers; the guardians of the public property. They make the laws, and it is their duty to see them executed.

We shall add to our remarks upon this Report, a few suggestions relative to the Director's Book, and the disunion which the Committee seem to suppose it calculated to produce. These suggestions perhaps belonged more appropriately to another place in our remarks, but yet we think they may be introduced here, without materially marring the arrangement, which we proposed to ourselves in the commencement of our examination of the Report.

An error in the administration of the affairs of the Connecticut State Prison must of necessity be an error committed by the Directors in their official capacity or by the Warden in the like capacity. This is not an error of the Warden's. It must be an error of the Directors. Now what is it? It is a *difference of opinion, and disunion as a consequence.* The disunion cannot be the error for the majority always govern and the influence of the one in the minority is void. The decisions of the board must of necessity be the decisions of the majority and they go to the Warden and are used for all purposes as if the board was perfectly unanimous. Disunion then is a thing out of the question as it regards the acts of the Directors in their official capacity. What then is the error? If disunion cannot exist, it must of course be the former part of the charge viz. *difference of opinion,* which constitutes an error in the administration of the affairs of the Connecticut State Prison. A measure comes before the board of Directors of a public institution and there is a 'difference of opinion' concerning it, and this is gravely reported by a Committee to the Legislature as an error "in the administration of the affairs" of that Institution!!!

Were we reading the history of the Spanish inquisition by which men were held responsible for their thoughts as well as their acts or Knickerbocker's account of the deliberations of the political sages of the renowned city of Manhattan we should smile and pass it by. But when we find it in an official Report of a Committee of the State of Connecticut, who have been lauded for their "great respectability and intelligence" we certainly can have no exalted opinion of their admirers.

A difference of opinion among a body of public officers is certainly to be deprecated

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as unfortunate, but the Report of this Hon. Committee is the first document in which we have seen such a fact commented upon as an error of administration.

It is sincerely believed that it would be most happy if a board of Directors could be found who would always think alike. How much greater harmony would prevail. Indeed we think there would be much less of bickering and sparring throughout the world if we could only think alike. But unfortunately human nature is such that men will differ in sentiment—men will have their own opinions and moreover they are so unreasonable as to think that they have a perfect right to them. This is a matter with which they think generally the public has but little concern, supposing that if they are responsible for their *acts* they yield sufficient scope to the authority of the law or the force of public opinion. Suppose a board of Directors are so unfortunate as to have different views of a measure, what then? Are they responsible to any man for them and if not responsible how can they commit error?

Guilt must always be accompanied by responsibility. We will not pursue this point, but as it is stated with so much gravity by this Hon. Committee, we hope we may be pardoned for treating it as if it was a serious error in the administration of the affairs of the Connecticut State Prison, and one which can be obviated only by providing that the board shall be sworn, always to think alike.

The next preliminary observation is "that a book has always been kept at the Prison, open to the inspection of the Warden in which the remarks of the visiting Directors are written down." "The Committee report this as an error which now exists at the Prison." Why? Because when the Directors hold different views, the order of each Director will not be implicitly obeyed. This appears to be the gist of the objection. The answer to it, in the first place is that there are no *orders* entered in the visiting book, by a single Director. It is used merely for the purpose of throwing out suggestions as to the condition of the Prison, of presenting the views of each Director upon any one point for the consideration of the other Directors at some future meeting.

This Committee have certainly mistaken entirely the object and end of this book if they supposed, as they certainly have, that it contained *orders* or rules which the Warden must obey. It is a book with which the Warden has nothing in the world to do. Do not this Committee know that it is only a vote of the board as a board that affects the Warden? Still if the Warden be disposed to do his duty he certainly may be indebted to that book for many valuable suggestions as to his course, which it is hardly worth while to embody as a law. Yet he is at perfect liberty to disregard entirely the entries upon this book. This being a fact, as it certainly is, and a fact that this Committee should have made themselves acquainted with before they reported the keeping this book as an error—this being the fact what ill effect can result from this book to the administration of the Prison? It does not affect the Warden's conduct in the slightest degree and is used only for the convenience of the Directors to further the best interests of the Prison. Before reporting this as an error would it not have been creditable to this Hon. Committee to have understood with some little distinctness, the matter which they had in hand. It is not supposed that there was ill design on this point—it is sheer ignorance.

Another use of this book is the protection of individuals composing the Board of Directors. They here have an opportunity of entering their protest against abuses that may exist in the Prison and which the majority of the Board connive at. It is the only way in which an individual Director can justify himself before the public, when the Board are called to an account.

Abuses have existed at the Prison as this Hon. Committee themselves state in their Report. The majority of the Directors suffered them. It appears, however, that Mr. Welles entered upon the visiting book his disapprobation of them.—When these matters are looked into how can the individual in the minority as was Mr. Welles, manifest to the public, that he did not connive at them except by means of such a book.—It is his only protection from the odium that will fall upon that portion of the Board who refused to suppress them. In this point of view the Hon. Committee must approve of such a book.

There is another benefit attending the use of such a book.—The Directors seldom meet together. The Prison is visited by one of them at stated intervals, who places upon the visiting book his opinions, as to the condition of the Prison. The succeeding Director sees the entry and is enabled to compare his own views with those of his colleague,

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and also inform himself of the progress and prosperity of the Institution. The necessity of frequent meetings of the Directors is in this way obviated and affords great facility for an interchange of views when they live at a great distance from each other, or from the Institution. In this point of view also, the Hon. Committee must agree, that such a book is advantageous to the interests of the Prison, and a great convenience to the Board. Indeed their only objection to the use of it seems to be that the Warden is distracted by conflicting *orders*. But when they discover that no *orders* are entered by a single Director in this book and that the Warden may heed its *suggestions* or not as he pleases, the objection falls to the ground.

That a Committee supposed to be selected for their integrity and intelligence, should have overlooked the glaring errors in the administration of the Connecticut State Prison, which have been so fully disclosed in the testimony, and yet should report such a paltry error as this relative to the Directors Book, we think must be a matter of marvel to every reader. The "error," which they report turns out, indeed, to be no error at all, or one of those "unavoidable" errors (to use their language,) which cannot be corrected, without the creation of another evil of a grosser character.

Having now finished our examination of the Report and of the testimony upon which it is founded, we think we have demonstrated not that the Committee came to a wrong result, for any reason connected with their private interests or purposes, but that they have mistaken the effect of the testimony offered, have invented apologies for the transgressions of certain favored individuals, have overlooked the great facts after which they were commissioned to inquire, and have done injustice to some individuals connected with this investigation. Posterity may, indeed, do justice to the founders of this Institution, by whom it was established upon a firm basis, and who have expended years in the service of the public, for a trifling compensation. To them are to be attributed those "pecuniary results," which have made an annual difference to the state, of about *sixteen thousand dollars*. A change in the system of punishment has also been effected calculated to reform the offender and restore him to society cured of his vicious propensities.

It is due to these individuals not only that "posterity" should do them justice, but that their exertions should be appreciated by those who are now reaping the benefit of their labors. We confess we are somewhat surprised, that the course of the different Directors should not have been made the subject of comment by this Committee. We find one devoting his best exertions to the welfare of the Institution, looking personally and continually to the condition of the sick, the comfort and health of the prisoners urging a faithful execution of the By-Laws and correcting abuses.—We find another Director who was introduced into the Board at a late period, who not only did not sustain him in this course but thwarted his efforts in this behalf at every step and who instead of exposing abuses, even counsels an officer to conceal them.

If the reader will examine the testimony together with the entries upon the Directors Book, he will find that a spirit of dissension was introduced into the Board with the junior Director, (Mr. Huntington) and that confusion and disorder waited upon his every movement.—With him the controversy commenced, and by him it was continued and promoted. If there is any confidence to be placed in human testimony then is this assertion most fully proved.

We have now completed our examination of this extraordinary Report—a document drawn up after a hearing which lasted twenty-one days—a document which finds no facts and sheds no light upon the issue between the contending parties.—For such services the Committee received nearly as much compensation as the Commissioners who superintended the construction of the Connecticut State Prison, although they devoted themselves to that work for two years, and the Chairman a larger sum than the average amount distributed to the members of that Board. Of the character of Amos Pilsbury we forbear to speak more at large.—The testimony upon this subject is full, and it speaks a language which cannot be misunderstood.

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